

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 17, 2009 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor D. Marchionda Jr.; Trustees W. Allison; R. Church; M. D'Abbracci; B. Hoban; R. Stewart; N. Taylor; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works E. Balsley; Parks Director D. Doyle; Assistant Director of Public Works R. Osgood; Sgt. Mark Hulse; Fire Chief B. Winslow

**ABSENT**: CEO B. Lyon; Police Chief Mitchell; Street Superintendent; Cemetery Superintendent L. Axtell

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

**PUBLIC:**

Bob Elliott, Rom French

Mayor Marchionda called the meeting to order at 6:00 PM.

Bob Elliott was invited by the Village Board to discuss the Sewer Use Law (SUL). Mr. Elliott explained the Law helps protect the publically owned treatment facilities. The SUL sets local discharge limits on pollutants to ensure compliance with SPDES permits. The Village can change limits when a new company comes in. Mr. Elliott explained some of the different ways to handle the sludge instead of trucking it out and disposing it in a landfill. Some communities compost the solids and allow the residents to use it for fertilizer. One aspect of the SUL allows surcharging industrial users with high strength waste water therefore ensuring each facility pay their share. Atty. Brockman questioned who will enforce the law, educate the staff, and do the inspections and necessary permit. Mr. Elliott stated that it can be handled under the general engineering contract and Village personnel would also be trained with compliance issues.

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Stewart, seconded by Trustee Hoban to have an Executive Session to discuss a litigation matter and non-union salaries and benefits.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

**MINUTES:**

MOTION by Trustee Stewart, seconded by Trustee Hoban to approve the Village Board Minutes from January 20, 2009 and the Special Village Board Meeting from January 26, 2009.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

**GUESTS, PUBLIC REQUEST & COMMENTS:**

MOTION by Trustee Church, seconded by Trustee Taylor to approve Pastor Wayne Butler of the Penn Yan United Methodist Church hold a Community Worship Service on Easter Morning, April 12, 2009 at 7:00 AM at Indian Pines Park. (If possible would like some room under the pavilion in case of inclement weather)

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve the request for the Saturday morning Farm Market. Will use the East side of Main Street between Jacob and Elm Street. This will run from the middle of May to the middle of October, 2009. From 6:00am – 12:30pm.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

### **OLD ITEMS**

Atty. Brockman explained he met with Bruce Lyon with regards to the Signage issues. Atty. Brockman will make a few changes will give the Board an updated copy to review at March's Village meeting.

Mayor Marchionda mentioned he has received one resume in regards to be a representative on the County Planning Board for the Village. Mayor will contact the individual and speak with him.

Trustee D'Abbracci mentioned he spoke with Bob Krause today. They have spayed or neutered a total of 24 feral cats. Trustee D'Abbracci reminded Mr. Krause that the Village cannot give any financial support to them due to the State Law. Mr. Krause stated they will move forward anyways.

Mayor Marchionda called the Public Hearing meeting to order at 7:00 PM.

**PUBLIC HEARING** for Local Law A 2009 Senior Citizen Real Property Tax Assessment Age Exemption Eligibility Uniformity Law of 2009.

Mayor Marchionda opened the public hearing asking if any concerns or comments with regards to the Public Hearing.

Mayor Marchionda inquired again if any comments in regards to Local Law A 2009 Senior Citizen Real Property Tax Assessment Age Exemption Eligibility Uniformity Law of 2009.

No comments and the Mayor closed the Public Hearing at 7:04PM.

Mayor Marchionda called the Public Hearing to order at 7:05Pm.

**PUBLIC HEARING** for Local Law B Village of Penn Yan Veterans' Exemption for Real Property Tax Assessments Law of 2009.

Mayor Marchionda opened the public hearing asking if any concerns or comments with regards to the Public Hearing.

Mayor Marchionda inquired again if any comments in regards to Local Law B Village of Penn Yan Veterans' Exemption for Real Property Tax Assessments Law of 2009. No comments and the Mayor closed the Public Hearing at 7:09PM.

### **MAYOR:**

Mayor Marchionda read the letter recognizing the contributions that Randy Jensen, Street Superintendent had made. Mayor Marchionda acknowledges that Randy will be truly missed and what an asset he was to the Village and Community. Mayor asked for a moment of silence.

On February 7, 2009, the Village of Penn Yan lost an integral part of their organization- Street Superintendent, Randy Jensen.

It will take years at best to truly realize and appreciate the many ways Randy contributed to our Village. He was always behind the scenes making things happen, he never expected anyone to perform a task that he wouldn't do himself, and never expected or asked for credit. From snowplowing to hanging the flower baskets from the lampposts in the summer, Randy made sure it was taken care of. How many times have we gotten up in the morning to find that the snow from the downtown area had disappeared during the night? Randy was there... When the lawns in our parks and ball fields needed to be mowed, again, Randy was there... Removing leaves from the streets in the fall... Guess Who.

It is because of Randy K. Jensen's inexplicable dedication to the Village of Penn Yan, we all have enjoyed a better quality of life.

As Mayor, I cannot express how much I will miss him. Both as a friend and as a co-worker, I could ALWAYS count on Randy!

Doug Marchionda Jr., Mayor  
Village of Penn Yan

Trustee Church talked about the Resolution for the LULA (Keuka Lake Watershed Land Use); they are asking that we support their efforts. Mayor Marchionda and Atty. Brockman both are uncomfortable with some of the wording. Atty. Brockman would like to review the paper and either rewrite or change some wording on the Resolution. Mayor asked Clerk/Treasurer S. Wilber to contact Dawn Dowdle, Supervisor of the Town of Wayne and ask her what exactly they are looking for and get back to the Board.

**ATTORNEY:**

Atty. Brockman reviewed the complete Full Environmental Assessment form on Revisions to Village of Penn Yan Sewer Use Law with the Village Board.

MOTION by Trustee Allison, seconded by Trustee D'Abbracci to approve Resolution N0 7 -2009 – SEQR proposed Local Law to Amend the Sewer Chapter of the Code of the Village of Penn Yan.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider adopting a local law to amend the Sewer Chapter of the Code of the Village of Penn Yan; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as lead agency for the purpose of the review of the local law, under the provisions of SEQR; and

WHEREAS, the adoption of such a local law would be deemed a "Type I" 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 purpose of the environmental review of this action; and be it further

RESOLVED, that the Board of Trustee of the village of Penn Yan determines that the proposed action is a "Type I" action under SEQRA and that therefore a Full Environmental Assessment Form (FEAF) will be required.

MOTION by Trustee Stewart, seconded by Trustee Hoban to approve Resolution No 8-2009 - Adoption of Local Law Establishing Uniformity of Qualifications for the Senior Citizen Real property Tax Assessment Exemption Pursuant to 467 of the Real Property Tax Law.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

**WHEREAS**, the Board of Trustees previously dealt with SEQR issues related to this proposed Local Law A of 2009, by declaring itself lead agency and designating the action as Type II; and

**WHEREAS**, a public hearing was held before the Board Trustees on said proposed local law on February 17, 2009.

**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 2009 as Local Law 1 of 2009.
2. The Village Clerk is directed to file such Local Law 1 of 2009 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.

MOTION to approve Resolution No 9- 2009 – Adoption of Local Law Establishing Increase in Veterans’ Real Property Tax Assessment Exemption Pursuant to 458-a of the Real Property Tax Law.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

**WHEREAS**, the Board of Trustee previously dealt with SEQR issues related to this proposed Local Law B of 2009, by declaring itself lead agency and designating the action as Type II; and

**WHEREAS**, a public hearing was held before the Town Board on said proposed local law on February 17, 2009.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law B of the Year 2009 as Local Law 2 of 2009.
2. The Village Clerk is directed to file such Local Law 2 of 2009 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.

Atty. Brockman stated that we have received final payment for Basin Street.

**MOTION:** by Trustee Church, seconded by Trustee D’Abbracci to pay current Village and Municipal bills as submitted.

**AUDIT:**

VILLAGE:

Paid before Audit - General Fund	\$	00.00
Capital Paid before Audit		6,800.00
General Fund		48,022.85
Capital Fund		35,796.39
<b>TOTAL VILLAGE AUDIT:</b>	<b>\$</b>	<b>90,619.24</b>

MUNICIPAL:

Paid before Audit	\$	283,938.09
Capital Paid before Audit		00.00
Electric Fund		27,518.80
Sewer Fund		29,717.12
Water Fund		24,478.35
Capital Projects		35,796.39

**TOTAL MUB AUDIT:** \$ **401,448.75**

**GRAND TOTAL** 492,067.99

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Allison to approve the 2007-2008 Audit.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

**FINANCE & ADMINISTRATION:**

MOTION by Trustee Church, seconded by Trustee D'Abbracci to authorize transferring \$281,000 to the DPW Equipment Reserve Fund from unappropriated funds.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Taylor to authorize transferring \$66,771 to the Fire Equipment Reserve Fund from unappropriated funds.

Roll call vote was requested

Trustee Stewart	Aye
Trustee Taylor	Aye
Trustee Allison	Aye
Mayor Marchionda	Aye
Trustee Church	Aye
Trustee D'Abbracci	Aye
Trustee Hoban	Nay

Carried

Discussion: Trustee Church explained the money is used only for fire trucks or equipment. Trustee Hoban agrees with the policy his concerns are where the economy is going to be down the road.

MOTION by Trustee Church, seconded by Trustee Allison to authorize transferring \$40,000 to the DPW Buildings Reserve Fund from unappropriated funds.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Allison to authorize transferring \$57,000 to the New Village Office Building Reserve Fund from unappropriated funds.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Hoban asked Dick Osgood for a break down on the fire house project. S. Wilber mentioned she can get the information to Trustee Hoban.

MOTION by Trustee Church, seconded by Trustee Allison to authorize transferring \$33,000 to the Employee Benefit Liability Reserve Fund from unappropriated funds.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee seconded by Trustee D'Abbracci to approve Resolution 6-2009 Budget Transfers.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

**TO:**

A1110.41	Village Justice	- Contractual Services	100.00
A1325.48	Finance	- Prof fees/Publications	500.00
A1620.11	Village Buildings	- Overtime	200.00
A1620.5		- Supplies & Materials	1,500.00
A3120.12	Police	- Part Time	10,000.00
A3120.13		- Stipends	1,000.00
A3410.411	Fire Dept	- Vehicle Repairs	2,000.00
A3410.414		- Equipment Repairs	1,000.00
A3620.46	Code	- Conf/Training/Mileage	700.00
A3620.51		- Computer Supplies	70.00
	Street Admin	-	
A5010.19		Holiday/Vacation/Sick/Personal	6,000.00
A5110.416	Street Maint.	- Safety Equipment	50.00
A5110.52		- Salt & Sand	5,206.00
A5110.54		- Signs & Posts	2,396.00
A7140.41	Parks & Rec	- Contractual Services	624.00
A7140.412		- Field Trips	311.00
A7140.51		- Computer Supplies	3.00
A7140.415		- Landscape/Tree/Flowers	417.00
A7140.54		- Pinic Tables	12.00
A9089.81	Village Flex/Benefits MRA		1,467.00
ES8120.12	Sanit SWR	- Cust Installations	50.00
ES8120.16		- Maint on Meters	500.00
ES8120.17		- Maint on Vehicles	1,500.00
ES8120.18		- Maint on Bldgs/grds	600.00
ES8120.412		- Gas & Oil	1,000.00
ES8120.417		- Maint on Vehicles	500.00
ES8130.41	WWTP	- Contracted Services	35,000.00
W8340.17	Trans/Dist	- Maint on Vehicles	2,000.00
W8340.18		- Maint on Bldgs/grds	500.00
W8340.412		- Gas & Oil	700.00
W8340.417		- Maint on Vehicles	400.00
W8340.46		- Conf/Training/Travel	100.00
E734.0	Electric	- Rent -Transmission	471.00
E742.41		- Overhead Conducts	1,500.00
E742.9		- Repairs - Consumer Premises	300.00
E752.2		- Repairs - Underground	5,000.00
		Total	<u>83,677.00</u>

**FROM:**

A1110.16	Village Justice	- Interpreter Services	100.00
A1325.45	Finance	- Conference/Travel	500.00
A1620.41	Village Buildings	- Contractual Services	1,700.00
A3120.1	Police	- Personal Services	11,000.00
A3410.43	Fire Dept.	- Contractual Services	76.00
A3410.415		- Health Services	2,124.00
A3410.43		- Insurance	800.00
A3620.41	Code	- Contractual Services	700.00
A3620.5		- Supplies & Materials	70.00
A5010.1	Street Admin	- Personal Services	6,000.00
A5110.16	Street Maint.	- Summer Employees	3,000.00
A5110.22		- Stone & Gravel	3,000.00
A5110.48		- Prof fees/Publctns/Books	452.00
A5110.53		- Tools	1,200.00
A7140.418	Parks & Rec	- Trash Removal	367.00
A7140.419		- KC Sports Complex	1,000.00
A9010.8	Retirement		1,467.00
ES8120.13	Sanit Swr	- Inflow & Infiltrate	2,650.00
ES8120.414		- Maint on mains	1,500.00
ES8130.414	WWTP	- Sludge Landfill fees	35,000.00
W8340.14	Trans/Dist	- Maint on Mains	500.00
W8340.15		- Maint on Hydrants	2,000.00
W8340.41		- Contracted Services	1,200.00

E783.1	Electric	- Insurance	471.00
E742.13		- Repairs-Install Equip	6,500.00
E742.84		- Electrical System Inspection	300.00
			<hr/>
Total			<u>83,677.00</u>

**PERSONNEL:**

Trustee Stewart had a question on the RFP (Request for Proposal) letter for the Workplace Violence. Atty. Brockman stated Shawna Wilber is looking at alternative services. Atty. Brockman just spoke with Mrs. Sandra King last week.

**PARKS & RECREATION:**

Trustee D'Abbracci discussed the possibility of charging for parking at the boat launch if you would leave the trailer at the launch. No cost if you launch your boat and leave with the trailer. Looking at rates for Village and non Village residents. Trustee D'Abbracci also explained some Village benches on the Outlet Trail need to be replaced.

**PLANNING BOARD:**

MOTION by Trustee Hoban, seconded by Trustee Stewart to approve Wayne Davidson to the Village Planning Board for the term that is vacant or as an alternate.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

**PLANNING & DEVELOPMENT:**

Trustee Hoban mentioned the Keuka Lake Outlet grant – we have not heard anything on this yet.

**PUBLIC SAFETY:**

No Report

**POLICE DEPARTMENT:**

MOTION by Trustee Taylor, seconded by Trustee Allison to accept the resignation of Charles Denosky, Jr. part time Police Officer effective February 17<sup>th</sup>.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion; Need to resign from both places of employment due to NYS retirement requirements - (Deputy Sheriff with Ontario County & Part Time PY Police Officer).

MOTION by Trustee Taylor, seconded by Trustee Church to reappoint Charles Denosky as a part time Officer effective March 2, 2009.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Taylor, seconded by Trustee Allison to accept the retirement of Sgt. Keith Woodard Sr. effective February 22, 2009.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Taylor and Board would like to Thank Sgt. Woodard Sr. for his 20 plus years of service for the Village. Trustee Allison mentioned that he was professional and a gentleman in doing his job. A good officer for the Village and we wish him well.

MOTION by Trustee Taylor to adopt the additional HRA amounts for the PBA HRA account. \$400 - family coverage, \$300 - two person coverage and 200 - single coverage.

Discussion: Trustee Hoban questioned had this been approved by the Personnel Committee. Trustee Stewart was unaware of these amounts discussed with the PBA. Trustee Stewart stated the Personnel committee had previously offered the PBA \$200 – family coverage, \$150 – two person coverage and \$100 for single coverage the PBA rejected that offer. Mayor Marchionda stated this was not a negotiation. Blue Cross/Blue Shield had discontinued the health insurance that the PBA had and the PBA ended up with a different prescription coverage. The PBA has been paying for something that they negotiated a year ago; it has been delayed long enough. Mayor would like a vote and if turned down then will revisit the issue. The Personnel and Labor Management Committees have been discussing the issues but have not communicated between the two. Trustee Taylor withdrew her previous Motion.

MOTION by Mayor Marchionda, seconded by Trustee Taylor to approve the increase of the PBA HRA accounts for \$400 – per family, \$300 – two person and \$200 for single coverage.

Discussion: Trustee Church stated he is not comfortable voting on this without more information he wants to be fair and has no clue how he can vote without more information. Trustee Church stated he would hate to see it get voted down because of him. Trustee Allison feels need to be fair for all and would like all involved to be informed. Mayor Marchionda and Trustee Taylor withdrew their Motion. Mayor Marchionda asked that the following Trustees Taylor, Stewart and Church meet as a committee to review this and report back to the Board at the March Village meeting. Sgt. Jeff Stewart, PBA President will also be asked to participate.

**FIRE DEPARTMENT:**

No Report

Mayor Marchionda would like to thank the Fire Department for their quick response recently when he had to call 911 – he had a furnace malfunction and it was as if he had just gotten off the phone and the fire department and police were there. Thanked them all.

**CODE ENFORCEMENT:**

No Report

**PUBLIC WORKS:**

Trustee Allison discussed the two bids we received for the new 2009 Rubber Tired Loader. The Bids were from Milton Cat at \$110,554.00 and Five Star Equipment – John Deere for \$118,281.00. The old Loader will be auctioned and any amount over \$110,000 will be split evenly with the Auctioneer and us. We anticipate receiving approximately \$117,000.

MOTION by Trustee Allison, seconded by Trustee Hoban to accept the Bid from Milton Cat for \$110,554.00 for the 2009 new Rubber Tired loader.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Letter will be mailed to Five Star Equipment-John Deere notifying them of the bid outcome.

Trustee Allison spoke about the letter we received from Senator George Winner, informing us about the decision from Governor Paterson to take the 2008/2009 member item, member list away from the Republican members. Not sure where we stand. S. Wilber will call tomorrow to find out more

information. Trustee Church stated we have received 25% (\$20,000 out of \$80,000) for the firehouse elevator project. Dick Osgood stated we have 2 projects that we have not received payment for. (1) Basin Street was award \$10,000 and spent to date \$6,874.73. (2) Completed phase 1 of sidewalk on upper East Main Street going to Meadowside. Letter stated would receive \$40,000 for that project and to date have spent \$28,326.64. No reimbursement for these yet. Trustee Church is concerned about the Brown Street project, wondering is anyone following through on this with the State. Trustee Stewart mentioned that Congressman Massa will be in Penn Yan on Saturday Feb. 21<sup>st</sup> at the Odd Fellow Building from 3:30 to 5:30. He will talk with Congressman Massa about this. Mayor Marchionda stated that Senator Schumer will be in the Penn Yan area this Thurs., Feb. 19<sup>th</sup>. This session is not open to the public, only local leaders and new media will be present. He is here to discuss the stimulus project and how it will affect us. Dick Osgood stated we have 9 out of 10 projects shovel ready. Dick mentioned some of these we need a water and sewer line survey done but other than that ready to go tomorrow.

Shawna Wilber talked about the DPW 2006 Ford F250 truck that we placed on e-bay. We had a reserve price and the bids did not meet that amount. She asked the board if they want to go with the highest bid or re- advertise. It was decided for her to contact the highest bidder and offer him the pick- up.

MOTION by Trustee Stewart, seconded by Trustee D’Abbracci to have Shawna Wilber contact the highest bidder and offer him the pickup.

Roll call vote

Trustee Stewart	Aye
Trustee Taylor	Aye
Trustee Allison	declined to vote
Trustee Church	Aye
Trustee D’Abbracci	Aye
Trustee Hoban	Aye
Mayor Marchionda	Aye

Carried

**STREETS:**

No Report

**CEMETERY:**

No Report

**BUILDINGS:**

No Report

**MUNICIPAL:**

MOTION by Trustee Allison, seconded by Trustee Church to approve the funding needed – up to \$50,000 – for survey and preliminary design work for the following water and sewer projects:

Water: Seneca Street, Sheppard Street, upgrades at the Water Treatment Plant and miscellaneous repairs to the water distribution system; and

Sewer: Seneca Street, Sheppard Street, Keuka Street and Wastewater Treatment Plant improvements.

NOTE: This funding is important because it will make these projects eligible for funding under the economic stimulus package. It will also position these projects for consideration from alternative funding sources and aid in future project planning.

Rom French stated that yes the money is there and he doubts we will use all the money. When survey complete the projects will be ready shovel.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to authorize Bob Elliott to proceed with preliminary engineering work for the identified water and sewer projects.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Stewart to accept the proposal for General Engineering Services from Bob Elliott pending review by Village Attorney Ed Brockman and Mayor Marchionda approval.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Stewart asked if the cost is coming out of the \$50,000. Mayor Marchionda responded this is an ongoing contract. Trustee Church wonders does this end our contract with Lu Engineering. Trustee Allison stated no we will still work with them from time to time. Will not pay the monthly fee to Lu Engineering – will pay Bob Elliott a monthly fee. Shawna Wilber explained we do not have signed contract at this time with Lu Engineering. Trustee Hoban suggested a letter be sent to finalize this with Lu Engineering. Atty. Brockman and Clerk Treasurer will draft a letter to them. Rom French will also give them a call.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the attendance of up to two (2) employees at the EJP training session being held March 3<sup>rd</sup> in Rochester, NY at a cost of \$50 per person.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to take the appropriate steps and disconnect the contract with Lu Engineering.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee D'Abbracci to approve the Payment Agreements in the amount of \$4,422.21.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Rom French passed out a Village map that Dick Osgood and Ed Balsley produced – highlighted the areas where we have had water main breaks since 1996. It is color coded to show where breaks are and new lines have been placed and areas that are in need of repair. Trustee Allison explained the color picture (taken Sept. 1999) that shows the water main pipe on Stark Ave. How bad it is. Was asked if Trustee Stewart would take the picture to show Congressman Massa the problem that we face. Trustee Stewart also encouraged the Board to write to Governor Paterson and protest the unfair action with the recent elimination of monies that were promised to the Village for a few projects.

**ADJOURNMENT:**

At 8:55 PM, MOTION by Trustee Allison, seconded by Trustee Stewart to adjourn the regular meeting and enter into Executive Session.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 10:43 PM, MOTION by Trustee Allison, seconded by Trustee D'Abbracci to leave Executive Session and return to regular Village Meeting.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

**ADJOURNMENT:**

At 10:45 PM MOTION by Trustee Taylor, seconded by Trustee Church to adjourn the regular meeting.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**

Next Village Board meeting is March 17, 2009 at 7:00pm