

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 19, 2013 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; D. Reeve; R. Stewart; B. Winslow; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief Hulse; CEO B. Lyon; Fire Chief R. Simpson; R. French, Municipal Board Chairman; D. Banach, Municipal Board member

ABSENT: Attorney Ed Brockman; Clerk/Treasurer G. Meeks

News Media present: Gwen Chamberlain, Chronicle Express; Jim Miller, Finger Lakes Times; David Specksgoor, Dundee Observer

PUBLIC: Mark Morris

Mayor Church called the Village Board meeting to order at 6:05 PM.

6:00 PM PUBLIC HEARING – Vehicles & Traffic Chapter – Parking Regulations

At 6:05PM **MOTION** by Trustee Allison, seconded by Trustee Winslow to open the Public Hearing for Vehicles & Traffic Chapter – Parking Regulations.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mayor Church asked if anyone had any comments or concerns. No comments from the public

At 6:08PM **MOTION** by Trustee Winslow, seconded by Trustee Allison to close the Public Hearing.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Discussion: Trustee M. Christensen upset over the recent events regarding our State Government being able to drum up gun legislation overnight, and we have to have a public hearing for Parking spots in the Village. Wonders why is it ok for them to do this overnight without any notice and we can't declare a handicap parking spot without a public hearing. Something is wrong with this. Mayor Church reminded him we the Village have to abide by state law and they make the laws. After a brief discussion Trustee M. Christensen would like to write up a resolution and send to Albany regarding the gun legislation.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Resolution No. 12-2013 Adoption of Local Law Amending the Vehicles and Traffic Chapter Code of the Village of Penn Yan with Respect to Parking Regulations

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency, designating the Local Law as an "Unlisted" action and adopting a Short Environmental Assessment Form; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on February 19, 2013; 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 B of the Year 2013 as a Local Law.
2. The Street Department of the Department of Public Works is authorized to create parking spaces of unlimited restriction on Water Street, in such quantity as they deem appropriate as permitted by law.
3. A Negative Declaration shall be issued and posted upon the Village website.
4. The Village Clerk is directed to file such Local Law 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.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize to have an Executive Session regarding confidential legal negotiation issues.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MINUTES:

MOTION by Trustee C. Christensen, seconded by Trustee Allison to approve minutes from the Village Board meeting on January 15, 2013 and Special Village Board meeting for January 29th and 31st, 2013.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize to allow the first 2-3 parking spaces from Main/Elm intersection going north from 11:00am – 5:00pm for the “Bail for Paws” event for the Yates County Humane Society on Friday March 8th.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Reeve, seconded by Trustee Winslow to authorize the request for the Saturday morning Farm Market to sell local produce. They will be using the East side of Main Street between Jacob and Elm Streets from the middle of May to the middle of October, 2013 between 6:00am – 1:00pm.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MAYOR:

Mayor Church read the letter for Officer Brandon Dehond congratulating him with the recent arrest of two suspects at a local dealership involved in stealing catalytic converters.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize the following three names to be added to all of the Penn Yan Village accounts with Lyons National Bank along with - Gary Meeks (Clerk/Treasurer), Robin Morse (Deputy Clerk/ Registrar) and Robert Church (Mayor).

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Mayor signs the Court Room Program contract.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ATTORNEY:

No updates

COMMUNITY REVITALIZATION:

No updates

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Stewart to allow Finger Lakes Community Health to open its new facility on Kimball Avenue, with the understanding that they will submit their application for their backflow prevention device to the Department of Health (DOH) by April 1st so that the device will have the proper accompanying paperwork required by the DOH.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to forgive a portion of the January sewer bill for Ellanna Pielow, a tenant at 108 Stark Avenue (a building owned by landlord John Miles) in the amount of \$160.79 contingent upon confirmation that this water could not have entered the public sewer system.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the purchase of a truckload of wood utility poles (twelve 35', eleven 40', seven 45' and four 50') from Cox Industries per their bid of \$9,805.30.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize going out for bids for a new vacuum truck for the Wastewater Treatment Plant.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the purchase of a fourth pump for the Cherry Street pump station from FLYGT at a cost of \$32,890.06.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve Utility Payment Agreements in the amount of \$16,063.43

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

FINANCE & ADMINISTRATION:

MOTION: by Trustee C. Christensen, seconded by Trustee Winslow to pay current Village and Municipal bills as submitted.

AUDIT:

		Amount:
Paid Before Audit:		
General		27,697.06
Electric		260,476.18
Sewer		8,664.85
Water		8,954.78
Capital Projects		15,000.00
Total Paid Before Audit		\$ 320,792.87
Current Audit:		
General		\$ 38,103.00
Community Development - CRC		-
Electric		79,096.05
Sewer		49,910.59
Water		18,197.87
Capital Projects		-
Total Current Audit Items		\$ 185,307.51
TOTAL AUDIT		\$ 506,100.38

MOTION by Trustee C. Christensen, seconded by Trustee Stewart to authorize Resolution No 8-2013 Budget Amendment for 2012- 2013

Increase

3-A - 3960-00	State Emergency Disaster Assistance	9,392
3-A - 4960-00	Federal Emergency Disaster Assistance	56,284
3-A -5110-0-000	STREET MAINTENANCE	
3-A-5110-2-210	Street Maintenance-Asphalt Concrete	8,000
3-A-5110-2-220	Street Maintenance-Stone & Gravel	15,000
3-A-5110-4-410	Street Maintenance-Contracted Services	13,800
3-A-5110-4-500	Street Maintenance-Supplies & Materials	28,876

Decrease

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 9-2013 Budget Transfers for 2012-2013

TO:			Fund
Account Id	Description	Date	<u>Totals</u>
3-A962	Budgetary Provisions - DPW Equipment Reserve		
3-A511	Reserve Funding - DPW Equipment		
3-A-2665	Sale of Equipment		
3-A -0000-0-000	GENERAL FUND		
3-ES-8130-0-000	SEWAGE TREATMENT		
3-ES-8130-4-414	Sewage Treatment-Sludge Landfill Fees	10,000	
3-ES-8130-4-417	Sewage Treatment-Maint on Vehicles	500	
3-ES-8130-4-440	Sewage Treatment-Lab Services	2,500	
3-ES-8130-4-470	Sewage Treatment-Audit Fees	500	
3-ES-8130-4-520	Sewage Treatment-Flocculant (Alum)	<u>15,000</u>	
		<u>28,500</u>	
		General	-
		Electric	-
		Sewer	28,500
		Water	-
		-	<u>28,500</u>
FROM:			
Account Id	Description	Date	
3-A962	Budgetary Provisions - DPW Equipment Reserve		
3-A511	Reserve Funding - DPW Equipment		
3-A-2665	Sale of Equipment		
3-A -0000-0-000	GENERAL FUND		
3-ES-8130-0-000	SEWAGE TREATMENT		
3-ES-8130-4-400	Sewage Treatment-Engineering	3,000	
3-ES-8130-4-410	Sewage Treatment-Contractual Services	10,000	
3-ES-8130-4-500	Sewage Treatment-Supplies & Materials	500	
3-ES-8130-4-505	Sewage Treatment-Process Machinery	<u>15,000</u>	
		<u>28,500</u>	
		General	-
		Electric	-
		Sewer	28,500
		Water	-
			<u>28,500</u>

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No10-2013 Budget Transfers for 2012-2013

TO:			Fund
Account Id	Description	Date	<u>Totals</u>
3-A962	Budgetary Provisions - DPW Equipment Reserve		
3-A511	Reserve Funding - DPW Equipment		
3-A-2665	Sale of Equipment		
3-A -0000-0-000	GENERAL FUND		
3-EW-8320-0-000	PUMPING & PURIFICATION		
3-EW-8320-4-470	Pumping & Purification-Audit Fees	400	
3-EW-8320-4-500	Pumping & Purification-Supplies & Materials	<u>5,000</u>	
		<u>5,400</u>	
		General	-
		Electric	-
		Sewer	
		Water	5,400
			<u>5,400</u>
FROM:			
Account Id	Description	Date	
3-A962	Budgetary Provisions - DPW Equipment Reserve		
3-A511	Reserve Funding - DPW Equipment		
3-A-2665	Sale of Equipment		
3-A -0000-0-000	GENERAL FUND		
3-EW-8320-0-000	PUMPING & PURIFICATION		
3-EW-8320-4-418	Pumping & Purification-Maint on Plant	5,400	

<u>5,400</u>	
	General -
	Electric -
	Sewer
	Water <u>5,400</u>
	<u>5,400</u>

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 11-2013 Budget Transfers for 2012-2013

TO:

Account Id	Description	Date	Fund Totals
3-A962	Budgetary Provisions - DPW Equipment Reserve		
3-A511	Reserve Funding - DPW Equipment		
3-A-2665	Sale of Equipment		
3-A -0000-0-000	GENERAL FUND		
3-A -1621-4-412	Buildings & Grounds-Gas	2,500	
3-A -5110-0-000	STREET MAINTENANCE		
3-A -5110-1-100	Street Maintenance-Personal Services		
3-A -5110-1-120	Street Maintenance-Part Time		
3-A -5110-2-200	Street Maintenance-Equipment		
3-A -5110-2-210	Street Maintenance-Asphalt Concrete	16,500	
3-A -5110-2-220	Street Maintenance-Stone & Gravel		
3-A -5110-2-230	Street Maintenance-Crack Filling/Chip Sealing		
3-A -5110-2-250	Street Maintenance-Cold Patch		
3-A -5110-2-260	Street Maintenance-Storm Sewer Maint.		
3-A -5110-2-270	Street Maintenance-Curbing & Fabric		
3-A -5110-4-400	Street Maintenance-Engineering	1,000	
3-A -5110-4-410	Street Maintenance-Contractual Services		
3-A -5110-4-412	Street Maintenance-Gas/Diesel/Oil/Lube		
3-A -5110-4-413	Street Maintenance-Vehicle & Equipment Repairs	2,500	
3-A -5110-4-415	Street Maintenance-Landscaping/Tree Removal	250	
3-A -5110-4-420	Street Maintenance-Phone/Internet/Utilities	350	
3-A -5110-4-480	Street Maintenance-Prof Fees/Publication		
3-A -5110-4-490	Street Maintenance-Sidewalk Program		
3-A -5110-4-500	Street Maintenance-Supplies & Materials		
3-A -5110-4-520	Street Maintenance-Salt & Sand		
3-A -5110-4-540	Street Maintenance-Signs & Posts		
		<u>23,100</u>	
			General 23,100
			Electric -
			Sewer -
			Water -
			<u>23,100</u>

FROM:

Account Id	Description	Date	
3-A962	Budgetary Provisions - DPW Equipment Reserve		
3-A511	Reserve Funding - DPW Equipment		
3-A-2665	Sale of Equipment		
3-A -0000-0-000	GENERAL FUND		
3-A -1620-4-500	Village Facilities-Supplies & Materials		1,500
3-A -1622-4-500	Firehouse-Supplies & Materials	1,000	
3-A -5110-0-000	STREET MAINTENANCE		
3-A -5110-1-100	Street Maintenance-Personal Services		
3-A -5110-1-120	Street Maintenance-Part Time		
3-A -5110-2-200	Street Maintenance-Equipment		
3-A -5110-2-210	Street Maintenance-Asphalt Concrete		
3-A -5110-2-220	Street Maintenance-Stone & Gravel		
3-A -5110-2-230	Street Maintenance-Crack Filling/Chip Sealing		
3-A -5110-2-250	Street Maintenance-Cold Patch		
3-A -5110-2-260	Street Maintenance-Storm Sewer Maint.	7,500	
3-A -5110-2-270	Street Maintenance-Curbing & Fabric	9,000	
3-A -5110-4-400	Street Maintenance-Engineering		
3-A -5110-4-410	Street Maintenance-Contractual Services		
3-A -5110-4-412	Street Maintenance-Gas/Diesel/Oil/Lube		
3-A -5110-4-413	Street Maintenance-Vehicle & Equipment Repairs		

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize the Annual Penn Yan Fireman's Parade for Saturday August 24, 2013 at 6:00pm.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

CODE ENFORCEMENT:

MOTION by Trustee M. Christensen, seconded by Trustee Reeve to authorize Bruce Lyon to attend a (FLBOA) - Finger Lakes Building Officials Educational Conference from March 18-21, 2013 at RIT in Rochester. Cost is \$390.00 plus mileage reimbursement.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Bruce Lyon presented his Year-end report that he submits to NY State.

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the attendance of up to seven (7) employees at Excavator Safety Training on March 7th (or an alternate date this year) in Watkins Glen at no cost to the Village.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize Director Bodine to attend the Roadway and Roadside Drainage training which is being offered by Cornell Local Roads Program in Yates County on April 18th. Cost is \$50.00.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize Assistant Director Jensen to attend the Road Safety Fundamentals training which is being offered by Cornell Local Roads Program on April 30th in Steuben County. Cost is \$50.00.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee C. Christensen to advertise for the 2013 Sidewalk improvement program.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the Purchase of One (1) 2013 Cat 930K Wheel Loader from Milton CAT 930K Wheel Loader from Milton CAT at a cost of \$134,044.00.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the 2012 Cat 930K Wheel Loader be declared as surplus and sent to Teitsworth, Inc. Auction and to authorize Brent Bodine to execute the consignment contract for same.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

PARKS & RECREATION:

Trustee Stewart mentioned April 1st is the first day to sign up to rent the Pavilion at Red Jacket and looking at April 1st to start charging for the Penn Yan boat launch.

MOTION by Trustee M. Christensen, seconded by Trustee Winslow to authorize Mayor Church to sign the agreement with Workforce Development through Yates County pending Atty. Brockman review of the contract.

Discussion: This is help for all year and we would be committed for one year. Dan Doyle could start using people this spring. Could work at different areas throughout the Village—we understand cannot replace a

union worker. Also have to abide by their rules regarding work areas. Would like Atty. Brockman to review the contract before it signed.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

PLANNING & DEVELOPMENT:

PLANNING BOARD:

COMMENTS:

Trustee Reeve explained we have 21 seasonal street banners that are not worthy to be put back up on the light poles in the downtown area. The costs for the 21 banners is \$2,302.00. Takes two months to order and be delivered – need to order these now to have in place by spring time. The Planning Board does not have a specific line item in their budget for this, but could pull out of reserve funds. Trustee M. Christensen asked about the occupancy taxes which a portion is provided to the County and Chamber of Commerce. Unsure how we are going to meet increase cost of health care and pension cost but we spend \$2,302.00 on banners. Trustee M. Christensen recognizes they are nice – he feels the County or Chamber should pay for these out of this occupancy money. Dan Banach explained there is a portion of money that is used for promotional use and new projects. Dan will ask but would like a formal letter stating why we need these banners – promote the town/tourism etc. Mayor Church asked Trustee Reeve to write a letter to see if we can get reimbursed from the Chamber for all or ½ of cost.

MOTION by Trustee Reeve, seconded by Trustee Winslow to authorize the purchase of 21 seasonal street banners at the cost of \$2,302.00. The Planning Board will pay for the initial purchase with hopes we will get reimbursed from the Chamber.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Trustee Allison explained last week had a meeting with Atty. Schneider, Atty. Brockman, Brent Bodine and himself – the Willow Road is still progressing.

Trustee Winslow asked the Board to review the Employee handbook - will have this approved at April’s organization meeting.

EXECUTIVE SESSION:

At 6:50PM **MOTION** by Trustee M. Christensen, seconded by Trustee C. Christensen to move into Executive Session.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:40 PM **MOTION** by Trustee M. Christensen, seconded by Trustee Winslow to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ADJOURNMENT:

At 7:40 PM **MOTION** by Trustee M. Christensen, seconded by Trustee Winslow to adjourn the regular meeting.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: