

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 21, 2012 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; Attorney Ed Brockman; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Parks Director D. Doyle; CEO B. Lyon; Fire Chief R. Simpson; Municipal Commissioners D. Banach and B. LeClaire;

ABSENT: Clerk/Treasurer S. Wilber; Police Chief Hulse

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

PUBLIC: Tim Yetter; Andrew Jensen; Chief Jeff Housel; Brian Housel; Mark Morris; Bob North; Chuck Garvey; Chief M. Clancy

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

PUBLIC HEARING - Adoption of Prohibit Disruption of Funeral Events

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

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

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

Tim Yetter, Captain for the Patriot Guard Riders from Penn Yan spoke in favor of the Local Law. Tim explained what the Guard does for families that have asked them to attend funerals of a fallen soldier. We form a flag line to shield mourners from protesters. Tim stated the Village should have in place a permit that the protesters need to have if demonstrating. This would tip off you and the law enforcement if a group like the Westboro Baptist Church planned to be there. The majority of time they do not show. Trustee Stewart feels this should be adopted at the County level not Village. Mark Morris a County Legislature will discuss this at the next County meeting. Trustee M. Christensen asked if a paragraph could be added in later to the law for requests for permits. Atty. Brockman stated yes and we would have a Public Hearing.

MOTION by Trustee Allison, seconded by Trustee Winslow to close the Public Hearing at 6: 09 PM.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

RESOLUTION No. 5 - 2012

MOTION by Trustee M. Christensen seconded by Trustee Winslow to authorize Adoption of Prohibit Disruption of Funeral Events.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

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 March 15, 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 K of the Year 2011 as a Local Law.
2. 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.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Winslow, seconded by Trustee Allison to authorize an Executive Session to discuss a personnel issue and contract issue. Will enter into Executive Session after guest section.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

MINUTES:

MOTION by Trustee M. Christensen, seconded by Trustee Stewart to approve Village Board Minutes from December 20, 2011 and Special Village Board meeting on December 22, 2011.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve Village Board Minutes from January 17, 2012.

ADOPTED Ayes 6 Church; Allison; C. Christensen; M. Christensen; Reeve; Winslow

Nays 0 Abstain Stewart Absent

GUESTS, PUBLIC REQUEST & COMMENTS:

No comments

MAYOR:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize the removal of Robert North from the Active Roll effective 2/7/2012

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

RESOLUTION No. 6 - 2012

Mayor Church recognized Robert North who has been a volunteer Penn Yan Firemen for 64 years. Mr. North started in the Fire Department in April 1948. Mayor Church read aloud and presented a Proclamation to Robert L. North. Mr. North was given a standing ovation from the people in attendance. Over the years Mr. North has given his time, energy and his dedication to be a Penn Yan Fireman over these past 64 years. Mr. North was very grateful.

PROCLAMATION

WHEREAS, Robert L. North joined the Penn Yan Fire Department in April 1948 and has been a member of the Hook and Ladder Company, and

WHEREAS, we appreciate the dedication that Bob has shown over the past 64 years, and

WHEREAS, Bob has given his time and energy to the Village of Penn Yan in his role as a Fire Fighter, and

WHEREAS, he has performed wholeheartedly in his role, and

WHEREAS, the Mayor, Village Board and residents of the Village of Penn Yan wish to recognize this significant contribution to the community over these past 64 years.

IN WITNESS AND RECOGNITION WHEREOF,

I have hereunto set my hand and caused the Seal of the Village of Penn Yan, New York to be affixed this 21st day of February, 2012.

Mayor Church explained he has a (MOA) Memorandum of Agreement with the Village and CSEA and the Village is giving permission for Bengt Sward be the Representative to the CSEA to attend meetings which are held in Albany on

a quarterly basis. This will be during his four (4) year term. CSEA will reimburse the Village for wages paid to the employee during his absence at the meeting.

MOTION by Trustee Stewart, seconded by Trustee Winslow to authorize the Mayor to sign the MOA which allows Ben Sward to attend meetings in Albany for the CSEA. Village will be reimbursed for his time away. Subject to the language be approved by Atty. and Mayor.

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

ATTORNEY:

RESOLUTION No. 37-2012

MOTION by Trustee Reeve, seconded by M. Christensen, the following resolution be approved; Request for Special Legislation Ratifying and Affirming the Penn Yan Fire Department Length of Service Award Program Through December 31, 2011.

ADOPTED Ayes 6 Church; Allison; C. Christensen; M. Christensen; Reeve; Winslow
Nays (1) Stewart Abstain 0 Absent

WHEREAS, pursuant to Article 11-A of the General Municipal Law of the State of New York municipalities are authorized to create Length of Service Award Programs (LOSAP), to benefit volunteer firefighters serving in a fire department controlled by the municipality; and

WHEREAS, under a LOSAP, the municipality is required to adopt a “point system” whereby volunteer firefighters may participate in various activities of the fire department during the course of a year in order to earn sufficient points to be credited with a “year of service” toward qualifying for benefits under the LOSAP; and

WHEREAS, the Village of Penn Yan created a LOSAP for the Penn Yan Fire Department in 1999 by adopting a resolution creating the LOSAP and holding a referendum which ratified the creation of the LOSAP; and

WHEREAS, although a point system was devised by the fire companies of the Penn Yan Fire Department, said point system was never approved by the Board of Trustees, which approval was required by GML Article 11-A; and

WHEREAS, the volunteer firefighters participating in the LOSAP program performed their firefighting service with a good faith expectation that they would qualify for each annual “year of service” in which, based upon their participation in sufficient activities of the Fire Department, they earned the requisite number of points that year for such qualification; and

WHEREAS, it would be an injustice for benefits to be denied any volunteer firefighter who, with a good faith expectation of receiving LOSAP benefits, participated in activities of the Fire Department at a level to earn years of service, thereby qualifying for LOSAP benefits; and

WHEREAS, the Penn Yan fire companies have presented to the Village each year a list of those volunteer firefighters who accumulated sufficient points pursuant to the LOSAP “point system” based upon participation in fire department activities, beginning with the year 1999 through 2011, which lists are appended hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts, approves and ratifies the “point system” developed by the fire companies of the Penn Yan Fire Department at the inception of the Penn Yan Fire Department LOSAP, which is attached hereto and made a part hereof, retroactively to the commencement of the Penn Yan LOSAP, through the year 2011, for use by active volunteer firefighters of any company of the Penn Yan Fire Department in achieving “year of service” credit toward Penn Yan Fire Department LOSAP benefits.
2. The Board of Trustees of the Village of Penn Yan, retroactively to the year of compilation thereof, certifies each of the appended annual lists of active volunteer firefighters of the Penn Yan Fire Department who qualify for “year of service” credit, based upon point allocations for participation in the activities of the Penn Yan Fire Department under the “point system” previously approved herein.

RESOLUTION No 7 -2012

MOTION by Trustee Winslow, seconded by Trustee Reeve, to approve various fees for Planning Board and Zoning Board of Appeals.

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

WHEREAS, the Village of Penn Yan, has a Planning Board and a Zoning Board of Appeals which deal with various

land use issues; and

WHEREAS, such Boards receive various applications pursuant to the Zoning and Subdivision Chapters of the Village Code; and

WHEREAS, the Planning Board and Zoning Board of Appeals have recommended the adoption of several fee amounts; and

WHEREAS, Penn Yan Village Code §202-91 provides that fees be established by Resolution of the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, THAT

1. The following fees are established for the applications indicated for the Planning Board and ZBA:

<u>Application</u>	<u>Fee</u>
Minor Subdivision	\$150.00
Major Subdivision	\$500.00
Variance	\$50.00
Special Use Permit	\$50.00

2. Said fees shall become effective upon adoption hereof.

RESOLUTION No. 8 -2012

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize setting a Public Hearing for March 20, 2012 at 6:00pm for the Proposed Amendment to the “Sidewalks” Article of the Streets and Sidewalks Chapter of the Village’s Code book.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

WHEREAS, it has been recommended to the Board of Trustees of the Village of Penn Yan by the Director of Public Works that the Streets and Sidewalk Chapter of the Code of the Village of Penn Yan be amended to adjust the dates with respect to the application process for sidewalk replacement; and

WHEREAS, a proposed Local Law be has been drafted to implement such amendment and such proposed Local Law has been circulated to the members of the Board of Trustees:

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan declares itself lead agency with respect to this action for SEQR purposes.
2. This action is declared to be an “unlisted” action pursuant to SEQR regulations and accordingly a short Environmental Assessment Form (SEAF) be acted upon with respect to this action.
3. A public hearing shall be held with respect to this proposed Local Law on March 20, 2012 at 6:00 p.m.

COMMUNITY REVITALIZATION:

MOTION by Mayor Church, seconded by Trustee M. Christensen to approve the application for Ray Hamilton repairs and painting for his business at 217 Main Street in the amount of \$29,000. \$14, 500 for loan and \$14,500 from grant.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize going out for bids for five, 25kVA and five, 37.5 kVA overhead pole-mount transformers.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize going out for bids for wood utility poles: Six, 35’ poles, twenty-five, 45’ poles and as many 40’ poles necessary to make a full truck load.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee M. Christensen to authorize the attendance of Mike Naylor at a NYRWA training session on Nutrient Removal March 15th in Waterloo, NY at a cost of \$31.00.

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

MOTION by Trustee Allison, seconded by Trustee C. Christensen to authorize Utility Payment Agreements in the amount of 10,504

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

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	53,399.91
Electric	259,352.69
Sewer	18,548.44
Water	63,982.52
Capital Projects	
Total Paid Before Audit	\$ 395,283.56
Current Audit:	
General	\$ 58,931.23
Community Development - CRC	-
Electric	50,226.58
Sewer	56,706.41
Water	41,474.18
Capital Projects	-
Total Current Audit Items	\$ 207,338.40
TOTAL AUDIT	\$ 602,621.96

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

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve to add \$2,263.00 to warrant to SCT Computers for computer maintenance for the last 3 months. (Dec. - Jan. - Feb.)

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

PERSONNEL:

MOTION by Trustee Winslow, seconded by Trustee Allison to authorize Charles Denosky be hired as a Part Time Police Office effective February 22, 2012 at \$18.00 per hr.

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

MOTION by Trustee Winslow, seconded by Trustee Allison to authorize Adam Folts be hired as a Full Time Electric Apprentice Lineworker effective February 21, 2012 at Group 6 Starting at \$19.21 per hour.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

PUBLIC SAFETY:

POLICE DEPARTMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Sgt. Jeff Stewart and Officer James Maciejewski to attend the Active Shooter training at FF Thompson Hospital in Canandaigua, NY on Saturday February 25th from 8:30AM – 4:30PM. No cost.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

FIRE DEPARTMENT:

Monthly Fire Department report

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Jan 2012
run 02-10-2012 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires	2	77	168.9
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires	1	26	14.3
Other Fires			
Wires	8	156	71.8
Other Emergency	4	94	38.1
Automatic Alarm Fires	4	73	17.3
Mutual Aid Scene	3	80	21.2
Mutual Aid Standby	1	19	13.0
Public Service			
Vehicle Accident	3	66	36.4
Total Fire Calls	26	591	381.0
Medical/Rescue Calls			
First Responders			
Assist Ambulance	1	7	0.6
Other Medical			
Total Med/Resc Calls	1	7	0.6
Total ALL Calls	27	598	381.6
Other Activities			
Courses			
Drills	5	58	116.0
Monthly Meetings	14	179	169.5
Committee Meetings			
Fire Prevention			
Fund Raising			
Parades/Cleanup			
Work Detail	22	156	408.8
Wake/Funeral			
Line Of Duty			
Other	1	52	156.0
Total Other Activities	42	445	850.3
*****	***	*****	*****
Total ALL Activities	69	1043	1231.9

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for 2012 YTD
run 02-10-2012 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires	2	77	168.9
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires	1	26	14.3
Other Fires			
Wires	8	156	71.8
Other Emergency	5	105	43.2
Automatic Alarm Fires	4	73	17.3
Mutual Aid Scene	3	80	21.2
Mutual Aid Standby	1	19	13.0
Public Service			
Vehicle Accident	3	66	36.4
Total Fire Calls	27	602	386.1
Medical/Rescue Calls			
First Responders			
Assist Ambulance	1	7	0.6
Other Medical			
Total Med/Resc Calls	1	7	0.6
Total ALL Calls	28	609	386.7
Other Activities			
Courses			
Drills	7	93	198.5
Monthly Meetings	17	210	200.5
Committee Meetings			
Fire Prevention			
Fund Raising			
Parades/Cleanup			
Work Detail	27	181	469.3
Wake/Funeral			
Line Of Duty			
Other	1	52	156.0
Total Other Activities	52	536	1024.3
*****	***	*****	*****
Total ALL Activities	80	1145	1411.0

MOTION to approve to William Giesler, Jr. be elected to membership in the Sheldon Hose Company effective 2/7/2012.

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

Trustee M. Christensen explained we received bids for the Fire Truck. 1) Churchville Equipment was for \$510,997.00. 2) KME \$518,722. KME sent in two additional bid proposals- after reviewing the other proposals they found they did not meet the specs. After a brief discussion which include the selling of the old fire truck and maybe purchasing a bond it was decided to purchase the truck and two other options (Camera System - \$950.00 and LDH Manifold - \$1,400.00) for a total of \$513, 347.00 from Churchville Equipment.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to award the Fire Truck bid to Churchville Fire Equipment for \$510,997 and purchase two additional pieces of equipment (Camera System - \$950.00 and LDH Manifold - \$1,400.00) for a total of \$513, 3347.00.

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

CODE ENFORCEMENT:

MOTION by Trustee M. Christensen, seconded by Trustee Allison to authorize Bruce Lyon to attend a meeting on February 8th, in Lyons to discuss the creation of the FLBOA Disaster Response Committee and responsibilities during an emergency call-out situation. No cost. Bruce will be riding with the Town of Jerusalem Code Enforcer.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Bruce Lyon to attend the Annual Finger Lakes Building Officials Association, Inc. training at RIT Inn in Henrietta on March 12th – 15th. Cost for conference is \$390.00 plus mileage reimbursement.

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

PUBLIC WORKS:

Trustee Allison mentioned we have had a light winter this year – our salt storage is up and it will help with the savings.

PARKS & RECREATION:

Dan Doyle explained he has meeting next week with the heads of different organization who use Village’s fields (little league, women’s slow pitch and school district etc.). Wanting this as an informational meeting, voice concerns and ask questions. Dan would like a set of rules and regulations for these organizations for the Village fields. Seems they have new officers every few years and I go over the same information and I would like this information written down so no questions on their behalf or the Villages. Dan and Atty. Brockman discussed having a Hold Harmless and User Agreement for all to sign yearly. They will be held liable if not following rules and regulations at present unsure who does what. Discussed the organizations make money at the concession stands; they need to help maintain with the maintenance. Mayor Church asked Trustee Stewart to discuss this at the next Parks & Recreation meeting.

Brent Bodine mentioned the DOT gave their recommendations regarding Red Jacket he will ask the Board’s approval next month to go out for bids. Trustee M. Christensen asked to have date of completion in the specs.

Trustee Stewart mentioned we discussed closing or not opening for summer activities at Indian Pines due to possible budget problems with the County not giving us \$15,000 for the Recreation program. This is still up in the air. Trustee Reeve mentioned the public is not aware the different ways the Village provides recreation thru the parks with no restrictions for County or Village residents. He hopes the public understands the Village doesn’t get help in supporting things which are used by outside Village residents. Trustee M. Christensen stated we still have cost if this is not opened. Mowing cost, lifeguard and maintain the park. Trustee Stewart mentioned - open up on weekends only which could cause a safety issue, no lifeguards Monday – Thursday. Dan Doyle is not in favor of closing the park at all. He explained the majority are village residents for the playground.

PLANNING & DEVELOPMENT:

Trustee Reeve reminded the Board to review the papers which Chairman Cliff Orr sent out to them regarding the Waterfront Development.

PLANNING BOARD:

COMMENTS

Mayor Church reminded everyone Clerk/Treasurer has started the budget process – the Departments have received there packages and you’ll receive a copy of the budget at next board meeting. Looking at next week or after for a workshop.

Trustee M. Christensen reminded the Board we still need to think and do something about Sherman & Franklin Streets. Realizes the long term goal is to get a new road to connect with the Himrod Road. Kennedy Street also has issues. Roads are in poor shape.

ADJOURNMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to adjourn the regular meeting at 7:52 PM

ADOPTED Ayes 7 Church; Allison; C. Christensen; M. Christensen; Reeve; Stewart; Winslow

Nays 0 Abstain 0 Absent

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: