

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 22, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees N. Taylor, R. Schwingle, N. Koek, W. Allison and G. Smith; Director of Public Works E. Balsley; Village Treasurer M. Socola; Police Chief S. Hill and Village Attorney E. Brockman

ABSENT: Trustee M. Christensen, Street Superintendent R. Jensen, Recreation Director D. Doyle, Cemetery Superintendent L. Axtell, Assistant Director of Public Works R. Osgood, Code Enforcement Officer Lyon and Fire Chief K. Pallar

Public Attendee: Mrs. E. Armstrong

News Media present: Gina Muscato, Finger Lakes Time, Gwen Chamberlain, Dundee Observer and Rob Maeske, The Chronicle Express

Mayor Marchionda called the meeting to order at 7:03 PM and led the Pledge Allegiance to the Flag.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Koek, seconded by Trustee Schwingle to hold an Executive Session at the end of the meeting concerning a personnel matter. Unanimously Carried.

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Koek to approve the minutes of the regular Village Board meeting of February 8, 2005 as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

None

MAYOR:

MOTION by Trustee Koek, seconded by Trustee Allison to authorize Mayor Marchionda, Jr. to sign the Fire Contract Renewal Agreement between the Village and the Town of Milo, effective from January 1, 2005 to December 31, 2005. Unanimously Carried.

ATTORNEY:

Attorney Brockman presented a *Memorandum* to the Mayor and Trustees in reference to the Outlet Trail/Snowmobile matter for their perusal and which will be discussed at the March 8th Village Board meeting.

Trustee Allison, Chair of the Ad Hoc Committee for the LDC/Doug Marchionda, Sr. Trucking, Inc. issue, read the *Findings and Recommendation of the Committee*.....

MOTION by Trustee Koek, seconded by Trustee Taylor to accept with finality the *Findings and Recommendation* report presented by the AD Hoc Committee. Unanimously Carried.

After determining the legalities of shredding the Code Enforcement's old maps & plans (and any other Village Department's confidential papers).....

MOTION by Trustee Schwingle, seconded by Trustee Koek to contract with Northeast Mobile Shredding, LLC for onsite shredding of the Village's confidential documents. Unanimously Carried.

Update report re: Meadowside Apartments Phase II – Conifer Realty, LLC has been notified that upon conforming and completing the Village's roadway construction requirements, and after a satisfactory inspection by the Department of Public Works, then the street will be dedicated.

Attorney Brockman will prepare a draft to be submitted to the Village Board of Trustees requesting the development of *cremation plots* in Lakeview Cemetery.

MOTION by Trustee Smith, seconded by Trustee Schwingle to amend the current rental lease for 361 Elm Street to a 3-month lease with the rent payable for March 1st at \$450.00, for April 1st at \$500.00, and the May 1st amount will increase to \$550.00. The tenant will either renew the lease or vacate by May 31, 2005. Unanimously Carried.

CORRESPONDENCE:

The Planning Board has requested that the Village Board of Trustees consider making changes to the Village Code Book for penalties charged for offenses.....

MOTION by Trustee Schwingle, seconded by Trustee Koek to direct Attorney Brockman to prepare a proposed local law amending Chapter 92, Article III, Section 30, Chapter 114, Article VIII, Section 92 and Chapter 170, Article II, Section 15, all "penalties for offenses". Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to approve the permit application for the Girl Scouts – Seven Lakes Council, Inc., to hang a banner on upper Main Street from February 28th to March 14th. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to allow the Kiwanis Club to place one gumball machine in the foyer of the Village Hall. Unanimously Carried.

AUDIT:

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

Village:	Paid before audit: General Fund	2,529.82
	General Fund	11,839.89
	Capital Fund (Vill. Bldg.)	14,765.41
Municipal:	Paid before audit: Electric	226,520.08
	Paid before audit: Sewer	368.85
	Electric	345,212.28
	Water	25,272.95
	Sewer	20,633.27
	Capital – Water	2,235.50
	Capital – Sewer	33,012.90

Unanimously Carried.

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

MOTION by Trustee Smith, seconded by Trustee Koek to approve Village Treasurer, Mark A. Socola, and one other employee, attending the NYS GFOA Western Region Spring Seminar on Tuesday, May 3, 2005 from 9:00 AM to 3:00 PM at a cost of \$70.00 each.

Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 01-2005 Budget Transfers.

Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Koek to authorize Mayor Marchionda, Jr. to sign an Agreement with PAETEC Communications, for the Village/Municipal telephone service.

Unanimously Carried.

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

Trustee Koek informed the Board that the next Village/CSEA negotiation meeting would meet Monday, February 28th at 4:00PM in the Village Hall. Second and third negotiation meetings have been scheduled for Thursday, March 10th and Monday, March 28th, both at 4:00 PM.

PARKS & RECREATION: Randy L. Schwingle, Chair; W. Allison & N. Koek

The next meeting is Tuesday, March 8th at 4:00 PM in the Village Hall, 111 Elm Street, 2nd floor.

No Report

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

The next meeting is scheduled for Monday, February 28th at 7:00 PM, Village Hall, Room 210.

No report

AD HOC BUILDING COMMITTEE for VILLAGE HALL/POLICE STATION & FIRE DEPARTMENT:

D. Marchionda, Chair

MOTION by Trustee Koek, seconded by Trustee Smith to authorize the Mayor to sign Change Order Number 5, CCN#18, for Blackman Farrell Electric, adding \$571.31 to the contract cost.

Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize the Mayor to sign Change Order Number 6, CCN#19, also for Blackman Ferrell Electric, adding \$1,029.20 to the contract cost.

Record of vote:	Trustee Allison	Nay
	Trustee Koek	Nay
	Trustee Schwingle	Nay
	Trustee Smith	Aye
	Trustee Taylor	Aye
	Trustee Christensen	Nay (due to absence)

Motion Defeated.

Mayor Marchionda, Jr., also Chair of the Ad-Hoc Building Committee, set the next meeting for Wednesday, March 2nd at 7:00 PM in the Village Hall, Room 202 if Majed El Rayess (Kohlstaedt & Fredrickson Architects) is available to attend.

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

The next meeting has not been scheduled at this time.

Police Department:

MOTION by Trustee Taylor, seconded by Trustee Schwingle to approve Sergeants Mark S. Hulse and Randy L. Andrews attending a mandated Supervisor School in Corning, NY from February 28th to March 18, 2005. Unanimously Carried.

MOTION by Trustee Taylor, seconded by Trustee Koek to approve Sergeant Michael Donovan attending the Fire Investigation School in Albany, NY on February 25th, 26th and 27th, 2005 at no cost to the Village. Unanimously Carried.

Trustee Taylor informed the Board that this committee has decided to turn the “eliminating on-street parking” from North Avenue to Elm Street issue over to the NYS Department of Transportation. It would definitely save the Village taxpayer money. Parking or no parking in front of St. Michael’s Church is still being discussed.

Trustee Taylor will set a date for the NYS DOT representatives to meet with the Public Safety Committee to discuss the abovementioned matter further.

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

The next meeting is scheduled for Monday, March 21st, 2005 at 1:00 PM, 111 Elm Street, 2nd floor.

MOTION by Trustee Allison, seconded by Trustee Koek to approve Richard Osgood, Assistant Director of Public Works attending the Yates County 3rd Annual Code Officials Seminar on Friday, February 25th at a cost of \$11.50.
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve Richard Osgood, Asst. DPW attending the NYS DEC Compliance Training for Stormwater Permit Holders in Corning, NY on Thursday, March 3rd from 10:00 AM to 12:00 PM at not cost.
Unanimously Carried.

MUNICIPAL:

The last meeting was held on Thursday, February 17, 2005 at 2:00 PM in the Village Hall, 2nd fl.

MOTION by Trustee Allison, seconded by Trustee Koek to approve the Municipal's purchase of one Badger Radix handheld water meter reading device with receiver and leak detector from Blair Supply Corp. in the amount of \$5,995.
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve *Payment Request No. 5* in the amount of \$6,346.85 to Western New York Contractors, Inc. for the Walnut Street/Florence Avenue Water Main Improvement project.
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to reinforce the Municipal's decision to follow policy by not waiving Mr. White's \$18.50 sewer charge.
Unanimously Carried.

OTHER:

MOTION by Trustee Allison, seconded by Trustee Koek to designate the Village of Penn Yan as Lead Agency for the Yates Cultural and Recreational Resources, Inc. (aka YCRR) application for a Small Cities Block grant in the amount of \$400,000.
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to set Tuesday, March 22, 2005 at 7:00 PM for first of two mandatory public hearings, and March 29th at 7:00 PM for the second public hearing.
Unanimously Carried.

ADJOURN TO EXECUTIVE SESSION:

At 8:36 PM, MOTION by Trustee Allison, seconded by Trustee Koek to go into *Executive Session* concerning a personnel matter.
Unanimously Carried.

(10 min. break)

ADJOURNMENTS:

At 9:35 PM, MOTION by Trustee Koek, seconded by Trustee Taylor to adjourn the *Executive Session* and return to the regular meeting.
Unanimously Carried.

At 9:36 PM, MOTION by Trustee Schwingle, seconded by Trustee Taylor to adjourn the regular Village Board meeting.
Unanimously Carried.

Linda K. Banach, Village Clerk

► The next Regular Village Board meeting will be held on Tuesday, March 8, 2005 at 7:00 PM in the Village Hall, 111 Elm Street, Room 202.

