

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 24, 2004 at 7:00 PM in the Maxwell Building, 127 Main Street, Penn Yan, New York.

PRESENT: Mayor D. Marchionda; Deputy Mayor W. Allison, Trustees M. Christensen, L. Sackett, and G. Smith; Street Supt. R. Jensen; Director of Public Works E. Balsley; Asst. Director of Public Works R. Osgood; Village Attorney E. Brockman; Village Treasurer D. Rogers; Recreation Director D. Doyle; CEO B. Lyon and Cemetery Superintendent S. Trenchard

ABSENT: Trustees N. Koek and R. Schwingle; Police Chief Hill and Fire Chief Pallar

Public Attendees: Stacy Wyant, Mr. and Mrs. Larry Strickland, an unidentified woman, Mrs. Armstrong and Anne Gunn

News Media present: Gina Muscato, Finger Lakes Times; Connie Murphy, Chronicle Express; and Peg Thompson, Dundee Observer

The Mayor called the meeting to order at 7:00 PM and led the Pledge Allegiance to the Flag.

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Sackett to approve the minutes of the February 10, 2004 regular Village Board meeting as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Stacy Wyant from Stork & Manahan, Inc., the Village's insurance agent, was invited to attend the meeting to explain the reason Selective Insurance Company would not pay a claim that the Village submitted. While removing snow, the Village's pay loader backed into a street light pole, which fell to the ground damaging a car parked in the Village parking lot. Mr. Wyant informed the Board that there is a NYS Vehicle and Traffic Law, #1103.B entitled "Municipal Immunity" that protects the Village from law suits during snow removal. However, in this case, the Village wanted Selective to pay the owner of the damaged car. The final decision is that the insurance company will not pay the \$1,306.79 claim because of this law.

Mr. Wyant was also asked to advise whether a "Builder's Risk" policy should be purchased by the Village to cover the new Village Office/Police Station building during construction. Director of PW Balsley and CEO Lyon will meet with Mr. Wyant to discuss this coverage further and to review the "hold harmless" portions of the current construction contract.

MAYOR:

MOTION by Trustee Sackett, seconded by Trustee Smith to authorize the Mayor to sign the last two 2004-2005 Fire Contracts: (1) Town of Barrington in the amount of \$37,293 and (2) the Town of Milo in the amount of \$101,223. Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Allison to hold two public hearings: one on Tuesday, March 9th at 7:05 PM, and the other on March 23rd at 7:05 concerning the Village's application for a grant through the Small Cities Program. This was a request from St. Mark's Terrace. A stipulation in agreeing to sponsor this application is that the Village will not incur any expenses concerning the grant. Unanimously Carried.

The anonymous complaint received concerning working people parking on Main Street all day long, was referred to the Retail Council through the Yates County Chamber of Commerce.

MOTION by Trustee Sackett, seconded by Trustee Smith to authorize the Mayor to sign the *Pre-Arrestment Detention Agreement* by the Yates County Sheriff and the Village of Penn Yan for Police Department prisoners. Unanimously Carried.

ATTORNEY:

Old Business: In reference to the \$1,500 invoice received from Keuka Abstract Corporation, a decision will be made by the March 9th meeting.

Attorney Brockman informed the Board that the Yates County Planning Board meets on Thursday, February 26th and the Village's two local laws will be acted upon at that time.

CORRESPONDENCE:

MOTION by Trustee Christensen, seconded by Trustee Allison to approve the Penn Yan United Methodist Church's request to use Indian Pines Park for their Community Worship Service on Easter morning, April 11th at 7:00 AM. Unanimously Carried.

Mayor Marchionda read a letter from the Hall's Fishing Challenge Tournament Director requesting the use of the boat launch site on Sunday, July 18th. No one objected, however, the Director is to be informed that the boat launch site will not be closed to the public. Unanimously Carried.

The letter received from the NYS DOT concerning the possibility of altering the pavement markings on Route 14A (Liberty Street) was referred to Assistant Director of Public Works Osgood and Village Clerk Banach to reply. The Village is agreeable to most of the DOT's suggestions. However, the Board strongly opposes the elimination of parking on the west side of Route 14A from the intersection at Elm Street to the intersection at Maple Avenue.

AUDIT:

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

Village:	Paid before audit: General	369.85	
	General Fund	20,245.81	
	Capital – Village/Police Construction	58,197.00	
Municipal:	Paid before audit: Electric	0	
	Paid before audit: Water	0	
	Capital project – Sewer	0	
	Electric Fund	53,949.00	
	Water Fund	7,580.50	
	Sewer Fund	2,791.58	Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith, Chair

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 06-2004 LAKEVIEW CEMETERY CHARGES, effective immediately. The Village Clerk is to mail copies to Baird, Perkins, Townsend-Wood and Weldon Funeral Directors, the Y.C. Dept. of Social Services, the Y.C. Veterans Service and Nielsen Granite Company. Unanimously Carried.

Trustee Smith informed the Board that the “Audit Report for June 1, 2002 to May 31, 2003” prepared by the Village’s independent auditors, Eldredge, Fox & Porretti, LLP is now available at the Village Clerk’s Office for inspection by all interested persons.

PERSONNEL: N. Koek, Chair

Trustee Smith told the Board that Trustee Koek plans to set up a committee meeting sometime next week.

PARKS & RECREATION – R. Schwingle, Chair

The next meeting is scheduled for Wednesday, March 17, 2004 in the PY Middle School Cafeteria at 4:00 PM. Attorney Brockman announced that the subject of snowmobiles traveling on the Outlet Trail would be studied extensively during the next four to five months.

PLANNING & DEVELOPMENT: M. Christensen

The meeting held last evening, Monday, February 23rd did not have a quorum. No action was taken.

Trustee Christensen informed the Board that the Yates County Attorney has suggested that a “conflict of interest” may exist due to Mr. Christensen being a Village Trustee, and a representative to the Yates County Planning Board. Mayor Marchionda believes that the situation should be carefully examined to determine its validity, and asked Attorney Brockman to check into the matter.

AD-HOC BUILDING COMMUNITY: D. Marchionda, Chair

A construction meeting was held at 9:00 AM Thursday, February 19th on site. Majed El Rayess submitted a proposed one-way traffic flow into the Village parking lot from Elm Street, exiting on Maiden Lane to Liberty Street. The plan is not exactly what the Board had expected. If Mr. El Rayess is available, a Building Committee meeting will be scheduled for next week. Mayor Marchionda updated the Board that a “Call to Artist” to design the spire at the top of the Village Office/Police Station building as been put out to the school.

PUBLIC SAFETY: L. Sackett, Chair

The next meeting is scheduled for Thursday, March 4, 2004 at 6:00PM in the Fire House.

Code Enforcement Office:

MOTION by Trustee Smith, seconded by Trustee Allison to exempt the Yates County Habitat for Humanity from any Village building fees for the house they are renovating on Seneca Street. Unanimously Carried.

PUBLIC WORKS:

The last meeting was held yesterday, Monday, February 23rd at 1:00 PM in the Village Office, 2nd floor.

Streets:

MOTION by Trustee Allison, seconded by Trustee Christensen to award the lowest bid to Hamm’s Nursery for 79 hanging flower baskets at \$15.50 each. The Village will supply them with the 79 baskets and bag liners saved from last year to be reused. Unanimously Carried.

MUNICIPAL:

The last meeting was held on Thursday, February 19, 2004 at 2:00 PM in the Maxwell Building; the next meeting is scheduled for Thursday, March 4th.

MOTION by Trustee Allison, seconded by Trustee Sackett to approve the MUB to support and promote student participation in the poster contest being sponsored by the NYS DEC and the NY Water Environment Association. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Sackett to approve Village Treasurer Rogers attending the MEUA Finance and Accounting Workshop on March 24th and 25th in Liverpool, NY. Unanimously Carried.

OTHER BUSINESS

The Mayor asked if there was anything else to be brought in front of the board at this time? No one spoke.

At 8:20 PM, MOTION by Trustee Allison, seconded by Trustee Smith to adjourn. Unanimously Carried.

FYI: The next Village Board Meeting is scheduled for Tuesday, March 9th at 7:30 PM in the Maxwell Building.

Linda K. Banach, Village Clerk

