

MINUTES of a Special Meeting of the Village Board of Trustees held Tuesday, March 1, 2011 at 4:30PM
Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor R. Church.; Trustees W. Allison; C. Christensen; M. Christensen; W. Davidson; R. Stewart; B. Winslow; Clerk/Treasurer S. Wilber; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Planning Board member Rich Pierle

ABSENT: Attorney Ed Brockman; Police Chief Hulse; Parks Director D. Doyle; CEO B. Lyon; Fire Chief R Retorick

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

PUBLIC: None

Mayor Church called the meeting to order at 4:30 pm

MOTION by Mayor Church, seconded by Trustee W. Davidson to have an Executive Session to discuss two items, potential litigation and negotiations.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Mayor Church discussed the land lease agreement with the NYS DOT regarding the Liberty Street bridge project. We have to lease a few areas of land around the Liberty Street Bridge to the DOT for their equipment and usage. Mayor Church explained they are looking at three pieces of property- biggest is behind the old Pudgie's building. This has the Road way down to the Outlet Trail, the bridge and near the playground and the other land on the other side of the Bridge. Mayor Church asked Atty. Brockman, Trustee Davidson and Brent Bodine to review the Land Acquisition agreements we received. They had four concerns that we would like answered from the DOT before the Mayor will sign the agreement. Mayor asked the Board to review the attached paper. Mayor Church explained it's a standard agreement and we do get a little money for the use of the land. The DOT will put the areas back the way it was before the construction project. Mayor stated his main concern is the DOT reserve the right to charge any cleanup cost associated with the required cleanup of any hazardous materials found during the time they occupy the property. Brent stated he is un-aware if there are any hazardous material until the ground is disturbed. Brent mentioned Matt Biswanger from NYSDOT and the Environmental Department has done a preliminary assessment of the property, Brent has already asked for a copy of the report – at this time has not received the copy. This will help alleviate some of our questions. Trustee M. Christensen questioned exactly which property are they looking at leasing/occupying, his concerns is the safety issue at the playground. He is thinking we might have to close the playground. Brent stated this part of the Outlet Trail will be closed down during the construction project and the playground itself and parking lot next to the playground will be opened. Brent and Atty. Brockman have discussed the DOT will need to have their equipment and work area secure at all times. Mayor Church feels confident they will have the working area and equipment fenced off and agrees we might have to close the playground for a while if it is a safety issue.

Mayor Church stated during one of the informational meetings with the DOT it was brought up about doing a survey on the detour for Village Roads for any damages to the Roads with the excess traffic flow. The DOT mentioned they would take care of the repairs on the Roads, at this time we have nothing in writing. Mayor stated we will get new stop lights and new curbing during the project plus a little money for the leasing of the land. Brent reminded the Board the issue regarding the Road condition is a separate issue- which he is still working on.

MOTION by Trustee M. Christensen, seconded by Trustee Davidson to authorize Mayor Church to execute the proposed agreements once the concerns have been addressed.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Trustee Davidson explained - NYS Department of Environmental Conservation sent out a Fact Sheet for a meeting on Thursday, March 3 at the Yates County Office Building regarding the former Manufactured Gas Plant on Linden Street. They are looking to clean the land up and close it forever. Trustee Davidson stated this is a R1 & R2 zoning area. Trustee Davidson stated if it is cleaned up correctly we could place houses on it and have those on the tax roll. Mayor Church and Trustee Davidson will both be attending the meeting on March 3, 2011. Mayor Church is concerned - he understands if they do it the way they want to we could never build on this property, we want to be sure that never happens. It could be possible in the future that someone would place a house on the property. Trustee Davidson mentioned in Ithaca this procedure was done and they did place houses on the land. He explained it can be cleaned up so we could allow houses to be built on there. Mayor stated the (NYSDEC) New York State Department of Environmental Conservation want to put an easement through and if they do that nothing could be built on it. Brent read the statement from the fact sheet "An environmental easement to prohibit development of the site for residential use".

ADJOURNMENT:

At 4:43 PM MOTION by Trustee Davidson, seconded by Trustee M. Christensen to enter into Executive Session.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

At 5:45 PM Motion by Trustee Davidson, seconded by Trustee M. Christensen to leave Executive Session and return to the regular Village Meeting.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

At 5:45 PM, MOTION by Trustee Davidson, seconded by Trustee M. Christensen to adjourn the regular Village meeting.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Other Village comments or issues.

Mary Ann Martin, Deputy Clerk