

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 8, 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, M. Christensen; Director of Public Works E. Balsley; Asst. DPW R. Osgood; Village Treasurer M. Socola; Recreation Director D. Doyle; Village Attorney E. Brockman and CEO B. Lyon

**ABSENT:** Trustees W. Allison & G. Smith, Street Superintendent R. Jensen, Police Chief Hill, Cemetery Superintendent L. Axtell, and Fire Chief K. Pallar

Public Attendee: T. Whitford, C. Sands, K. Hartman, Mrs. E. Armstrong, A. Gunn, and A. Bechhoefer

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 7:02 PM and led the Pledge Allegiance to the Flag.

**CALL FOR EXECUTIVE SESSION:**

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

**MINUTES:**

MOTION by Trustee Taylor, seconded by Trustee Koek to approve the minutes of the regular Village Board meeting of February 22, 2005 as submitted. Unanimously Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Arthur Bechhoefer, 1128 East Bluff Drive requested an update on the DVI Contract and why he hasn't seen any advertisement for services being offered. Mayor Marchionda said he should call Data Ventures, Inc., for his answers.

**ATTORNEY:**

Attorney Brockman informed the Board that he is in receipt (just this evening) of the long EAF, revised, with Part 3, prepared by Lu Engineers. It is for the proposed local law to amend Chapter 132, Parks & Playgrounds, of the Code of the Village of Penn Yan to permit snowmobiles on the Outlet Trail and the Elm Street Sports complex. He suggests that the EAF be referred to the Parks and Recreation Committee for their review.

Attorney Brockman informed the Board that the Outlet Trail/Snowmobile *Memorandum's* twelve (12) issues must be answered before they can proceed. They must also take into consideration the concerns of the Penn Yan Planning Board (their letter dated January 18<sup>th</sup>) and the referral (dated January 28<sup>th</sup>) from the Yates County Planning Board. A meeting will be scheduled for the State DOT, the Parks & Recreation Committee and snowmobile enthusiasts to discuss these issues.

•At this time, Mayor Marchionda informed the audience that the rumor circulating that the annexation of cemetery land into the Village is for snowmobile use is completely erroneous. The annexation **has nothing to do with** snowmobiles. This is another example of people talking without knowing the facts. The annexation is simply to have the entire cemetery within the Village limits.

**CORRESPONDENCE:**

MOTION by Trustee Koek, seconded by Trustee Schwingle to approve the Penn Yan United Methodist Church's request to hold their annual Community Worship Service in Indian Pines Park on Easter morning, March 27<sup>th</sup> beginning at 7:00 AM. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Taylor to approve the Penn Yan Council of Churches' request to hold their annual CROPWALK on Sunday, May 1<sup>st</sup> beginning at 1:30 PM. Unanimously Carried.

The letter from Rainbow Junction Child Care Center, requesting "directional signs" to be erected at both ends of Keuka Street, was referred to the Public Safety Committee and CEO Lyon for their review.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to approve the VFW's request to hold the Memorial Day parade on Monday, May 30<sup>th</sup>. The Police Department has been informed. Unanimously Carried.

**AUDIT:**

MOTION by Mayor Marchionda, seconded by Trustee Christensen to pay the current bills, as submitted:

Village:	Paid before audit: General Fund	82.65
	General Fund	23,103.12
	Paid before audit: Capital Fund	6,230.35
	Capital Fund (Vill. Bldg.)	3,647.00

Unanimously Carried.

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

The committee meeting scheduled for this afternoon was canceled. The next meeting is scheduled for March 22<sup>nd</sup> at 2:30 PM in the Village Hall, 111 Elm St., 2<sup>nd</sup> fl.

No report

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

Trustee Koek informed the Board that the next Village/CSEA negotiation meetings have been scheduled for Thursday, March 10<sup>th</sup> and Wednesday, March 30<sup>th</sup>, both at 4:00 PM in the Village Hall, 111 Elm St., 2<sup>nd</sup> fl.

No report

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

The last meeting was held this afternoon, Tuesday, March 8<sup>th</sup> at 4:00 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> floor.

MOTION by Trustee Schwingle, seconded by Trustee Koek for Recreation Director D. Doyle to become a member of the New York State Recreation and Parks Society, Saratoga Springs, NY at a cost of \$105.00. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Taylor to approve Recreation Director D. Doyle to attend the “KaBoom! 2005 University of Play” in Atlanta, Georgia, from Thursday, March 10<sup>th</sup> through Saturday, March 12<sup>th</sup>, at no cost to the Village. A “thank you” is extended to Senator Hillary Clinton who is responsible for the “invitation to participate, and the no cost to the Village”.  
Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Koek to approve Rec. Dir. Doyle (and up to 2 more people) to attend the NYS Recreation and Parks Society 65<sup>th</sup> Annual Conference & Business Expo from April 10<sup>th</sup> to 13, 2005. Full registration for a member is \$237.00, \$294.00 for a non-member.  
Unanimously Carried.

Trustee Schwingle reported that the application for more funds to continue financing the 21<sup>st</sup> Century Community Learning Center program was denied. A meeting will be set up with school officials to discuss whether to continue with the program, or not.

In order to not jeopardize funding for the Skate Park project, a meeting will be scheduled to discuss finishing Phase II as soon as possible.

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

The last meeting was held on Monday, February 28<sup>th</sup> at 7:00 PM, Village Hall, Room 210.

MOTION by Trustee Christensen, seconded by Trustee Schwingle to direct Village Attorney Brockman to proceed with the documentation commencing the local law process for amending Chapter 202, Section 6, entitled Definitions, in the Code of the Village of Penn Yan.  
Unanimously Carried.

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

The last meeting was held on Wednesday, February 2<sup>nd</sup> at 7:00 PM in the Village Hall, 111 Elm St., 2<sup>nd</sup> fl.

D. Marchionda, Chair

MOTION by Trustee Koek, seconded by Trustee Schwingle to authorize the Mayor to sign Change Order Number 6, CCN#19, for Blackman Ferrell Electric, adding \$1,029.20 to the contract cost, at the recommendation of Asst. Director of Public Works Osgood.  
Unanimously Carried.

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

Trustee Taylor informed the Board that the next meeting has been scheduled for Tuesday, March 22<sup>nd</sup> at noon in the Wagner. Representatives from NYS DOT will be invited to attend in order to find out their plan for “eliminating on-street parking along Liberty Street (Route 14A) from Elm Street to North Avenue.

Police Department:

Trustee Taylor presented the PY Police Department’s Annual Report for 2004 to the Board. The report contains total statistics, comparing the numbers from 2001 to 2004. Chief Hill prepared a very good report.

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve CEO Lyon to attend the NYS Building Officials Conference Board of Delegates meeting on Friday, March 11<sup>th</sup> in Syracuse, NY beginning at 9:00 AM, at no cost to the Village.  
Unanimously Carried.

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

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

No report

**MUNICIPAL:**

The last meeting scheduled for Thursday, March 3<sup>rd</sup> at 2:00 PM in the Village Hall, 2<sup>nd</sup> fl., was canceled. The next meeting will be March 17<sup>th</sup>.

No report

**ADJOURN TO EXECUTIVE SESSION:**

At 7:58 PM, MOTION by Trustee Taylor, seconded by Trustee Schwingle to go into *Executive Session* concerning a personnel matter and pending litigation.  
Unanimously Carried.

(10 min. break)

**ADJOURNMENT FROM EXECUTIVE SESSION:**

At 8:45 PM, MOTION by Trustee Schwingle, seconded by Trustee Christensen to adjourn the *Executive Session* and return to the regular meeting.  
Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to forward the latest “Article 78” served this afternoon by Art Bechhoefer, from Robert Hawley, to Harris Beach, LLP for their attention. This pertains to the LDC/Marchionda Trucking grant issued tens years ago, and finalized by the Village Board on February 22, 2005.  
Unanimously Carried.

**ADJOURNMENT:**

At 8:47 PM, MOTION by Trustee Schwingle, seconded by Trustee Taylor to adjourn the regular Village Board meeting.  
Unanimously Carried.

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Linda K. Banach, Village Clerk

► The next Regular Village Board meeting will be held on Tuesday, March 22, 2005 at 7:00 PM in the Village Hall, 111 Elm Street, Room 202.

