

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 9, 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, N. Koek, R. Schwingle 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; CEO B. Lyon; Police Chief Hill; Fire Chief Pallar and Recreation Director D. Doyle (joined the meeting at 7:30 PM)

**ABSENT:** Cemetery Superintendent Trenchard

Public Attendees: Diane Lenzo, Nancy Jameson, Stephanie Perry, Mike Carmel, Elizabeth Armstrong and Anne Gunn

News Media present: None

The Mayor called the meeting to order at 7:00 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* concerning litigation at the end of the meeting. Unanimously Carried.

**MINUTES:**

MOTION by Trustee Allison, seconded by Trustee Sackett to approve the minutes of the February 24, 2004 regular Village Board meeting as submitted. Unanimously Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Nancy Jameson, Advisor of HUBBA at the Penn Yan School District, introduced Stephanie Perry, a member of the organization. Ms. Perry invited the Mayor and Trustees to a "Drinks & Desserts" to be held March 22<sup>nd</sup>.

**PUBLIC HEARING:**

At 7:05 PM, as advertised.....

MOTION by Trustee Koek, seconded by Trustee Smith to open the 1<sup>st</sup> of 2 public hearings relative to the Village submitting an application for a 2004 Small Cities Grant to be used by St. Mark's Terrace. Unanimously Carried.

The Mayor asked if anyone would like to speak about the Small Cities Grant. No one spoke – the hearing was left opened.

**MAYOR:**

Mayor Marchionda announced that the *Organizational Meeting* will be held on Tuesday, April 6, 2004 at 7:00 PM in the Maxwell Building.

The Mayor also announced that he has accepted an invitation to meet with Congressman Amo Houghton, YCIDA Director Steve Isaacs, and SCOPED Executive Director Kelsey Jones at Glenora, NY on March 15<sup>th</sup> from 10:00 AM to 11:30 AM to discuss Upstate New York's economy.

Mayor Marchionda read a letter from J. Dwight Rogers asking not to be re-appointed as Village Treasurer at the Organizational Meeting on April 6<sup>th</sup>, as he has decided to pursue other career opportunities.....

MOTION by Trustee Allison, seconded by Trustee Smith to accept Dwight's resignation with regret, thanked him for his professionalism during his years of dedicated service to the Village and Municipal, and wished him good luck in the future. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Koek to immediately initiate the search to find a new Village Treasurer. The position will be advertised in the local medias and resumes will be accepted in the Village Clerk's Office. Unanimously Carried.

The Mayor asked if anyone would like to speak concerning the application for the 2004 Small Cities grant. If awarded, the funds will be used by St. Mark's Terrace. No one commented.....

MOTION by Trustee Allison, seconded by Trustee Koek to close the above mentioned Public Hearing. Unanimously Carried.

Note: The second of two Public Hearings is scheduled for March 23<sup>rd</sup> at 7:05 PM in the Maxwell Building.

**ATTORNEY:**

MOTION by Trustee Koek, seconded by Trustee Allison to authorize Attorney Brockman to write a letter to the New York State Attorney General's Office inquiring about the Fire Department's obligation to file with the State any donations, gifts and/or contributions received. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to adopt *Resolution No. 09-2004 Alternate Members of the Planning Board Law* by Local Law No. 01-2004. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Sackett to adopt *Resolution No. 10-2004 Alternate Members of the Zoning Board of Appeals Law* by Local Law No. 02-2004. Unanimously Carried.

**CORRESPONDENCE:**

MOTION by Trustee Smith, seconded by Trustee Christensen to approve Idelle Dillon’s (Director of the Y.C. Genealogical and Historical Society) request to allow Robin Raffer, Photo Editor from Bedford/St. Martin’s Publishing Group, to use the image of Jemima Wilkinson’s portrait for publication of textbooks and/or scholarly articles. One stipulation is that the portrait not leave the Oliver House at any time. Unanimously Carried.

A letter was received from the Yates County Chamber of Commerce in reference to.....

- (1) MOTION by Trustee Koek, seconded by Trustee Sackett to approve their request to hold *Cruisin’ Night* on Friday, June 18<sup>th</sup> in downtown Penn Yan, as in the past. Unanimously Carried.
- (2) Their concern with the lack of curb cuts and trees/trash cans blocking the Main Street handicap parking spaces will be looked into by Police Chief Hill and Street Superintendent Jensen.
- (3) Their issue with overtime parking on Main Street was referred to the Public Safety Committee for review.

MOTION by Trustee Schwingle, seconded by Trustee Smith to grant approval to the Yates County Cooperative Farm Craft Market to use the area between Jacob and Elm Streets on the east side of Main Street on Saturday mornings from 6:00 AM to 12:30 PM beginning May 8<sup>th</sup> to October 16, 2004. Unanimously Carried.

Mayor Marchionda informed the Board that Adelphia was notifying the Village of the changes to the costs of certain non-recurring charges that were effective March 1, 2004. The rate schedule is available in the Village Clerk’s Office for any one to examine.

**AUDIT:**

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

Village:	Paid before audit: General	-0-	
	General Fund	11,781.46	
	Capital – Village/Police Construction	12,473.58	
			Unanimously Carried.
Municipal:	Paid before audit: Electric		
	Paid before audit: Water		
	Capital project – Sewer	No audit 3/4/04	
	Electric Fund		
	Water Fund		
	Sewer Fund		

**FINANCE & ADMINISTRATION:** G. Smith, Chair

After further review, a few changes were recommended.....

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 06-A-2004 CHARGES AMENDED - LAKEVIEW CEMETERY CHARGES, effective immediately. The Village Clerk will mail the amended rates 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.

**PERSONNEL:** N. Koek, Chair

A meeting was held on Monday, March 1<sup>st</sup> at 7:00 AM in the Village Office, 2<sup>nd</sup> floor.

MOTION by Trustee Koek, seconded by Trustee Christensen to create two *Water Treatment Plant Trainee* positions with Civil Service, and then proceed with the hiring process to employ at least one, preferably two employees, so they can be trained by the present plant operators. Unanimously Carried.

**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.

Update: (1) The docks at the boat launch are in poor condition and need to be replaced. The Street crew just finished building one new dock, and the plan is to replace one each year. (2) Recreation Director attended a seminar at Syracuse University entitled “Introduction to Grant Writing” last Friday, and found it to be very informative and helpful when applying for a grant.

**PLANNING & DEVELOPMENT:** M. Christensen

Trustee Christensen announced that the next meeting is scheduled for Monday, March 22<sup>nd</sup> in the Village Office at 7:00 PM.

**AD-HOC BUILDING COMMUNITY:** D. Marchionda, Chair

Assistant Director Osgood gave an up-to-date report concerning the progress at the Village Hall/Police Station site. Trustee Koek informed the Board that the Lions Club would pay up to \$450.00 to purchase a live tree to be permanently planted in the mini-park. The tree would be decorated each year to be the Village Christmas tree.

**PUBLIC SAFETY:** L. Sackett, Chair

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

**Police Department:**

MOTION by Trustee Sackett, seconded by Trustee Allison to advertise for sealed bids to sell a 1985 *abandoned* Chevrolet Caprice 4-door sedan, with a minimum bid of \$50.00. The vehicle is to be sold with the understanding that it will not to be licensed for road use, and in “as is/where is” condition with no keys. Unanimously Carried.

Fire Department:

MOTION by Trustee Sackett, seconded by Trustee Koek to approve the removal, with regret, of Eric P. Marelli from the Penn Yan Fire Department "Active Roll" (he is moving out of the district). Eric has been an exemplary volunteer fireman for many years and he will be missed. Unanimously Carried.

Fire Chief Pallar handed out the "Report to the Chief for 2003 YTD". The Board thanked the Department for their time and effort to be a volunteer fireman, and for responding to all these fire calls.

Code Enforcement Office:

CEO Lyon informed the Board that the street where the Tennis Club and the Wastewater Treatment Plant are located needs to be named. Mayor Marchionda challenged the Trustees to return to the next meeting with a name. It should be a "President of the United States" name, keeping in line with the other street names in that area.

**PUBLIC WORKS:**

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

Streets:

Assistant DPW Director Osgood informed the Board that the Sherman Street Bridge will be removed very soon by crews from the Village of Penn Yan, Towns of Barrington and Milo, Yates County and the Finger Lakes Railway Corp. Tom Cook, a Franklin Street resident, was commended by the Board for his patience and determination in making the demolition of this bridge a reality.

Cemetery:

No report.

Buildings:

No report.

**MUNICIPAL:**

The last meeting was held on Thursday, March 4, 2004 at 2:00 PM in the Maxwell Building; the next meeting is scheduled for March 18<sup>th</sup>.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the advertising for sealed bids for *Construction of the Walnut Street and Florence Avenue Water Main Improvement* project. The bids will be opened at 2:00 PM in the Village Office on April 8, 2004. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the purchase of pipe for the above mentioned project, and also pipe enough for the Serenity and Cornwell loop. The price of pipe is imminently rising and if purchased now, money can be saved. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Sackett to adopt Asst. DPW Director Osgood's policy regarding water-only meters until the Village Code book can be amended. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve one or two employees to attend the New York Section AWWA 90<sup>th</sup> Anniversary meeting in Saratoga Springs, NY from April 27<sup>th</sup> to 29<sup>th</sup> at a cost of \$195.00 each. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek that DPW Director Balsley, Asst. DPW Director Osgood, Trustees Koek, Allison and Christensen join Mayor Marchionda in attending a meeting with Congressman Amo Houghton, YCIDA Director Isaacs and SCOPED Director Jones at Glenora, NY on March 15<sup>th</sup> from 10:00 AM to 11:30 AM to discuss Upstate New York's economy. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize Mayor Marchionda to sign *Change Order No. 1 to the Lake Street & Commercial Avenue Water Main Improvement* project in the amount of \$8,793.28, per Lu Engineer's recommendation. T-R-T is the Contractor. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize payment in the amount of \$42,241.50 to T-R-T for their work completed thus far on the *Sanitary Sewer Improvement* project (withheld \$2,223.50). Unanimously Carried.

At 7:59 PM, MOTION by Trustee Christensen, seconded by Trustee Koek to adjourn into *Executive Session* concerning litigation. Unanimously Carried.

At 9:00 PM, MOTION by Trustee Schwingle, seconded by Trustee Allison to adjourn the Executive Session and the Regular Board meetings. Unanimously Carried.

FYI: The next Village Board Meeting is scheduled for Tuesday, March 23<sup>rd</sup> at 7:00 PM in the Maxwell Building.

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Linda K. Banach, Village Clerk