

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 14, 2006 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda, Jr.; Trustees N. Taylor, M. Christensen, N. Koek, G. Smith and R. Schwingle; Village Treasurer Socola; Village Attorney Brockman; Police Chief S. Hill; Recreation Director Doyle; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood, Code Enforcement Officer B. Lyon, Fire Chief J. Housel, and Cemetery Superintendent L. Axtell

**ABSENT:** Village Trustee W. Allison and Street Superintendent R. Jensen

Public Attendees: YCRR Executive Director Amy Leisenfelder, Village Justice Danny Hibbard, Mike Carmel, Mrs. E. Armstrong and Anne Gunn

News Media present: Gina Muscato, Finger Lakes Time and Eileen Farrar, Chronicle Express

Mayor Marchionda called the meeting to order at 7:05PM and led the Pledge Allegiance to the Flag.

**PUBLIC HEARING:**

MOTION by Trustee Smith, seconded by Trustee Koek to open the second of two public hearings scheduled for the YCRR application to the New York Governor's Office for the 2006 Small Cities grant up to \$400,000. The Mayor asked for any comments.....

Executive Director Amy Leisenfelder gave a brief report updating the progress made since the last public hearing held in March. The Mayor left the hearing open.....

**EXECUTIVE SESSION:**

MOTION by Trustee Koek, seconded by Trustee Christensen to hold two (2) executive sessions, one at this time, and the other at the end of the regular meeting, both regarding personnel matters. Carried.

At 7:07 PM, MOTION by Trustee Koek, seconded by Trustee Taylor to close the public hearing. Carried.

At 7:08 PM, the Mayor and Trustees ( Clerk was excused) entered into the Executive Session.....

At 7:22 PM, MOTION by Trustee Schwingle, seconded by Trustee Smith to adjourn the executive session. Carried.

**MINUTES:**

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve the minutes of the February 14<sup>th</sup>, 2006 regular Village Board meeting, as submitted. Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Village Justice Danny Hibbard asked the Board whether the court would remain in the Village or not. The Mayor briefly described the options and informed Justice Hibbard that a decision has not been made at this time. The Board has not decided whether to renovate the Basin Street building which could be very expensive, to remain in the Maxwell Building and do the needed repairs, to adapt the "multi-purpose" room in the basement of the Village Hall, or just dissolve the Village Court and pass the obligation to the Townships. Village Court is not a "money making" entity, however, at the present time the revenues and expenditures are about even. Any renovations and/or repairs would have to be considered carefully. The Board asked Justice Hibbard to make a list of pros and cons of the Court remaining in the Village, and to attend the next Public Safety Committee meeting on Tuesday, April 11<sup>th</sup>.

**CORRESPONDENCE:**

MOTION by Trustee Koek, seconded by Trustee Smith to approve a banner permit from the Penn Yan/Dundee Girl Scouts, entitled "*GIRL SCOUT WEEK*" to hang on Main Street from March 13<sup>th</sup> to March 17, 2006. Carried.

MOTION by Trustee Schwingle, seconded by Trustee Taylor to approve the YC Cooperative Farm/Craft Market's request to hold their annual market on the street and sidewalk along Main Street between Jacob and Elm Streets on Saturdays from May 20<sup>th</sup> to October 14<sup>th</sup> or 21<sup>st</sup>, 6:00 AM to 12:30 PM. Carried.

**MAYOR:**

Mayor Marchionda informed those present that he, Trustee Taylor, and Attorney Brockman attended Present George W. Bush's visit to Canandaigua, N.Y. held today. The Mayor reported that it was a great experience and an honor to see the President of the United States so close to home. The prestigious event was done very well.

**ATTORNEY:**

MOTION by Trustee Schwingle, seconded by Trustee Christensen to adopt RESOLUTION NO. 07-2006 "Providing Municipal *Sewer* service outside the Village limits", to declare the Village as lead agency and the action as Type II per SEQR regulations, to direct Attorney Brockman to prepare a proposed local law embodying such policy language, and to hold a public hearing at the April 11, 2006 Village Board meeting at 7:00 PM. Carried.

MOTION by Trustee Smith, seconded by Trustee Christensen to adopt RESOLUTION NO. 08-2006 "Providing Municipal *Water* service outside the Village limits", to declare the Village as lead agency and the action as Type II per SEQR regulations, to direct Attorney Brockman to prepare a proposed local law embodying such policy language, and to hold a public hearing at the April 11<sup>th</sup> Village Board meeting at 7:05 PM. Carried.

Attorney Brockman reported on the following: \*suggested that, at this time, the Board remain inactive concerning the YC Torrey Landfill issue; \*announced that the PERB meeting is scheduled for tomorrow, Wednesday, March 15<sup>th</sup>; \*the sale of the "Owl's Nest" building should be finalized within the next two weeks; \*the letter written to the Elmira Police Chief requesting pro rata costs associated with Tom Dunham's transfer has not been answered, therefore.....

MOTION by Trustee Christensen, seconded by Trustee Smith to direct Attorney Brockman to write a letter to the Mayor of the City of Elmira relative to this matter. Carried.

**AUDIT:**

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

Village:	Paid before audit – General Fund	7,991.32
	General Fund	<u>27,962.48</u>
	Total Village audit:	35,953.80
Municipal:	Paid before audit – Electric	269,341.57
	Electric Fund	35,185.36
	Water Fund	13,252.09
	Sewer Fund	19,117.10
	Paid before audit – Capital Sewer	3,165.84
	Capital Electric	14,493.99
	Capital Water	45,963.03
	Capital Sewer	<u>4,958.78</u>
	Total Municipal audit:	405,477.76

Carried.

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

Last meeting was today, Tuesday, March 14, 2006 at 2:30 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> fl.

A few of the matters discussed were: \*a point of interest – the Village received an unsolicited bid to purchase the former Police Station at 1 Basin Street; \*water, sewer and electric at the Elm Street Sports Complex; \*if the Village is interested in withdrawing from the *Community Athletic Fields Consortium* with Keuka College, a 6-month notice must be given; \*asking for feed-back from the Fire Department and/or the Public Safety Committee in reference to the purchase of a new truck; and \*whether there are funds to replace the Fire Chief’s vehicle this year. \*Trustee Smith also discussed the draft budget, which is available in the Village Clerk’s office, as well as congratulated Treasurer Socola for the fine job he did on the radio this morning explaining the budget and answering questions.

MOTION by Trustee Smith, seconded by Trustee Schwingle to authorize no more than \$3,200 to remove four dead trees in Lakeview Cemetery. Carried.

MOTION by Trustee Smith, seconded by Trustee Christensen to authorize Village Treasurer Socola to sign a maintenance contract with the company who installed the elevator in the new Village Hall. Carried.

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

MOTION by Trustee Koek, seconded by Trustee Schwingle to promote Dean Roberts to Water & Sewer *Worker*, effective today, March 14, 2006. Carried.

**PARKS & RECREATION:** R. Schwingle, Chair, W. Allison & N. Koek

The last meeting was held this afternoon at 5:30PM in the Village Hall, 2<sup>nd</sup> fl.

A few of the matters discussed were: \*Recreation Director Doyle announced that the buses for the *Lion King* performances are almost full; \*Trustee Koek reported that a representative from the Finger Lakes Boating Museum organization attended this afternoon’s committee meeting to discuss putting a launch in Indian Pines Park for their boats; \*there is a concession stand at the Elm Street Sports Complex that needs to be torn down and then a shed would have to be erected to protect the electrical system; a letter was received from Bill Gordon suggesting that he could fire cannons from his boat and/or sic his dog after the geese on the beach at Indian Pines Park. Attorney Brockman replied with a letter advising him “to withhold his fire, as well as any K-9 attacks” until Mr. Gordon explains his plan to the Board; he will be invited to attend the April 11<sup>th</sup> Village Board meeting and, \*what would be the best solution, for all involved, for watering the ball fields at the Elm Street sports.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve up-to-2 people to attend the NYS Recreation and Park Society’s Annual Conference & Business Expo from April 2<sup>nd</sup> to the 5<sup>th</sup> in Kerhonkson, NY at a cost of \$236.00 registration fee per member (non-member \$298) plus three nights of lodging. Carried.

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

The meeting scheduled for February 27<sup>th</sup> was canceled; the next meeting is scheduled for March 27<sup>th</sup>

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

Police Department:

The Police Department received a gift of \$3,800.00 from the Loyal Order of Moose #2030 and was awarded a \$3,783.93 grant from the US Department of Justice, which will cover the cost of purchasing up-to-date ballistic vests for the entire Police Department at a total cost of \$7,567.86.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Koek to approve Matthew DeBrine’s membership into the Sheldon Hose Company of the PY Fire Department. Carried.

MOTION by Trustee Taylor, seconded by Trustee Koek to approve Andrew Cooper’s removal from the “Active Roll” of the Penn Yan Fire Department. Carried.

Code Enforcement:

CEO Lyon informed the Board that the New York State Building Officials Conference, Inc. reported that due to the efforts of several people, the funding for code books and ICC memberships has been reinstated. However, reimbursement for expenses related to direct enforcement and training through the use of the funds collected is still unresolved. He encourages the Board’s endorsement of this program.

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

The next meeting is scheduled for Monday, March 27<sup>th</sup> at 1:00 PM in the Village Hall, 2<sup>nd</sup> fl.

Cemetery:

On behalf of the Public Safety Committee, Trustee Taylor, Chair, is recommending that the *Court Street* gate at the entrance/exit to Lakeview Cemetery be closed from 9:00 PM to 7:00 AM daily for safety reasons. The Police have agreed to open and close the gate. Cemetery Superintendent Axtell will be responsible for erecting the proper signs.

MOTION by Trustee Smith, seconded by Trustee Taylor to re-hire Adrian (Joel) Pinckney to work from 7AM to 11AM until the end of the school year, when he will work full-time. Carried.

MOTION by Trustee Smith, seconded by Trustee Taylor to hire Harry Baker to work in the cemetery from 11AM to 3:30 PM until Pinckney begins full-time. Carried.

Buildings:

The request from the Crooked Lake Fiddle Club to hold their practice twice a month in the Village Hall has been referred to the April 11<sup>th</sup> meeting.

**MUNICIPAL:**

The last meeting was Thursday, March 9, 2006 at 2:00 PM at 111 Elm St, Room 210

MOTION by Trustee Smith, seconded by Trustee Koek to declare the old equipment at the substation as surplus. Carried.

MOTION by Trustee Smith, seconded by Trustee Taylor to approve the Municipal's recommendation to purchase 25 KVA General Electric padmount transformers from Irby Co. for \$1,060 each. Carried.

MOTION by Trustee Taylor, seconded by Trustee Christensen to authorize up-to-4 employees to attend the Finger Lakes Water Works Spring Conference Spring on April 13<sup>th</sup> in Walworth, NY. Carried.

MOTION by Trustee Taylor, seconded by Trustee Koek to authorize Treasurer Socola and Account Clerks Schroeder and Mickelsen to attend the MEUA Accounting and Finance Workshop on March 22<sup>nd</sup> and 23<sup>rd</sup> in Liverpool, NY at a cost of \$75.00 each. Treasurer Socola will stay overnight at a cost of \$68.00. Carried.

MOTION by Trustee Taylor, seconded by Trustee Schwingle to approve Assistant Director Osgood's request to attend the Stormwater Conference & Tradeshow on Thursday, March 30<sup>th</sup> from 8AM to 6PM in Rochester, NY at a cost of \$60.00. Carried.

The next Municipal Utilities Board meeting will be held Thursday, April 6, 2006 at 2:00 PM in Rm. 210.

**OTHER:**

The Historic Preservation Commission has recommended preserving the 1896 map of the Village. An estimate of \$250-\$300 has been received from Bill Kranz of Frames Galore and More, to enclose it in a wooden frame and Plexiglas.....

MOTION by Mayor Marchionda, seconded by Trustee Smith to authorize the above-mentioned project. Carried.

Mayor Marchionda called for a *Special* meeting to be held on Tuesday, March 21<sup>st</sup> at 8:00 PM for the sole purpose of awarding the bid for the Main Street Water Main Improvement project. Carried.

Mayor Marchionda extended a "thank you" to Trustee Randy Schwingle, for his dedication and all his accomplishments during the last four years. Tonight is Trustee Schwingle's last regular Board meeting, as his term has come to an end, and he has chosen not to seek re-election. It's been a pleasure to have him on the Board, and he will be missed. However, the Board plans to keep him in mind for committee work.

The *General Village Election* is next Tuesday, March 21<sup>st</sup> from noon to 9:00 PM held in the multi-purpose room of the Village Hall.

The annual *Organizational Meeting* is scheduled for Monday, April 3<sup>rd</sup> at 7:00 PM, Village Hall, Rm. 202.

**ADJOURNMENT INTO EXECUTIVE SESSION:**

At 9:10PM, MOTION by Trustee Koek, seconded by Trustee Taylor to adjourn into Executive Session regarding a personnel matter. Carried.

(the Clerk was excused)  
(10-minute break)

**ADJOURNMENT:**

At 10:40 PM, MOTION by Trustee Christensen, seconded by Trustee Taylor to adjourn both the executive session and the regular Village Board meeting. Carried.

► The next regular Village Board Meeting is scheduled for Tuesday, April 11, 2006 in Room 202.

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Linda K. Banach, Village Clerk