

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 15, 2011 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor R. Church.; C. Christensen; M. Christensen; W. Davidson; R. Stewart; B. Winslow; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief Hulse; Parks Director D. Doyle; Municipal Board members; R. French; D. Banach; B. LeClaire, D. Payne; Rich Pierle; Cliff Orr

ABSENT: Trustee W. Allison: CEO B. Lyon; Fire Chief R. Retorick

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

PUBLIC: Nancy Taylor; Sharon Winslow; Elizabeth Armstrong; Tom McCormack; Carol Andersen; Mark Morris; Ricky Simpson, Bryan Housel; Jeff Housel; Rick Simpson; Bob Miller; Dan & Melissa Gurba; Mike Clancy

Mayor Church called the Village Board Meeting to order at 6:00 PM.

Mayor Church requested that anyone from the audience wishing to speak, keep it to 3 minutes and if needed a second round of discussion may be offered if you still wish to comment.

6:00PM PUBLIC HEARING - Amending the Code for Alternate Members of the Historic Preservation Commission.

MOTION by Trustee B. Winslow, seconded by Trustee M. Christensen to open the Public Hearing at 6:00PM.

Mayor Church asked if there were any comments from the public regarding amending the Code for Alternate Members of the Historic Preservation Commission. No comments.

At 6:04PM MOTION by Trustee B. Winslow, seconded by Trustee R. Stewart to close the Public Hearing.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Resolution No. 18-2011 Adoption of Local Law Amending the Code of the Village of Penn Yan by Providing for Alternate Members of the Historic Preservation Commission.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on March 15, 2011; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law C of the Year 2011 as a Local Law.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

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

Carried

6:05 PM PUBLIC HERAING - Amending the Water Chapter Code

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to open the Public Hearing at 6:05PM.

Mayor Church asked if there were any comments from the public regarding Amending the Water Chapter Code.

Mayor Church stated at last night's meeting we had one resident in attendance for the EDU Public Information Meeting. Brent Bodine explained the Village started reviewing the rate structure for Water and Sewer back in 2008 to incorporate the EDU'S. Brent explained they will be derived by your household status (example single family, apartments in the building, Motel or Hotel, Bed & Breakfast or a Food Service) each have been assigned an EDU (Equivalent Dwelling Unit). Commercial and industrial institution's EDU will be based on meter size. We established a table that ties the Local Laws for the Water and Sewer rates and calculation using the EDU determination with conjunction with the fixed user rate and variable cost. Shawna calculated the average water consumption for a residential size meter—single person, two person and five person family home, based on the average monthly water consumption, NOT based on the number of people in your home. Cliff Orr questioned if there any difference between a B&B and a residential home. Brent specified for a B&B the table is (1/4) EDU per guest room and (1) EDU for the owners. (1/4) EDU is for each guest room you offer for the service you supply. Everyone will pay the same rate for usage. Shawna explained you are familiar with the \$12.00 service charge which will now be your EDU or Fixed User Cost. The fixed user cost that used to be \$12.00 for water will now be \$3.00 per EDU. Example – a B&B you have four guest room plus one living area for the owner. You would have two EDU's. The water service charge that would have been \$12.00 is now \$6.00 under the new EDU system. (1/4) + (4) guest rooms = (1) EDU plus 1 for the living space of the owner = 2 EDU's. 2 x \$3.00 = \$6.00. If you have a two unit apartment you will have (2) EDU's. Shawna explained the \$12.00 Sewer Service Charge will now be \$4.80 for per EDU. Shawna explained based on the proposed budget, pending Public Hearing and Village Board approval, the water usage rate will be \$8.32 per 1,000 gallons of usage and the sewer will be \$5.90 per 1,000 gallons of water usage. There will no longer be different rates for over 5,000 gallons. Shawna stated she looked at specific usage for a single person, 2 person and 5 person household and noted most should see savings in their bill, but the amount of savings will be based on each household's average usage. Large water consumers will see an increase. The comparisons were done using what the rate would need to be to accommodate the proposed budget for 2011-2012 versus the proposed rates for the new EDU system. From one end of the spectrum a single person household with an average of 1,400 gallons per month will see an average combined savings of \$11 per month or \$128 per year, whereas our largest water consumer with an average of 717,000 gallons per month will see an increase in their bill of approximately \$1,700 per month. Mayor Church stated everyone will be paying the same rate, based on how much they used.

Mayor Church stated he appreciates all the work the Municipal Board, Mrs. Wilber and Brent Bodine have done on the EDU policy.

Mayor asked if any other comments, there were none.

At 6:17 PM MOTION by Trustee M. Christensen, seconded by Trustee Winslow to close the Public Hearing

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to approve Resolution No. 19-2011 Adoption of Local Law amending the "Water" Chapter of The Village Code as to the Method of Computing Water Rates

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on March 15, 2011; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law B of the Year 2011 as a Local Law.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

Mayor Church

Aye

Trustee Davidson

Aye

Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussion: Trustee M. Christensen commended the Municipal Board, Public Works Committee and Shawna who have worked hard; it's been a long process.

6:10 PM PUBLIC HEARING - Amending the Site Plan Review Chapter Code

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to open the Public Hearing at 6:10PM

Mayor Church asked if there were any comments from the public regarding amending the Site Plan Review Chapter code. No comments Mayor will keep hearing open for a while.

At 6:20PM MOTION by Trustee Davidson, seconded by Trustee C. Christensen to close the Public Hearing.

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to approve Resolution No. 20-2011 Adoption of Local Law Amending the Code of the Village of Penn Yan by Amending the Site Plan Review Chapter with Respect to the Renewal of Site Plan Approval.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as an “Unlisted ‘ action; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on March 15, 2011; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law D of the Year 2011 as a Local Law.
2. The draft SEAF and draft Negative Declaration herein are adopted as the final SEAF and final negative Declaration and the Negative Declaration be posted upon the Village website.
3. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

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

Carried

6:15 PM PUBLIC HEARING – Amending the Method of Billing for Sewer Rents

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to open the Public Hearing at 6:21PM

Mayor Church stated this was discussed during the Water Public Hearing and asked if there were any questions or comments, no reply.

At 6:22 PM MOTION by Trustee C. Christensen, seconded by Trustee Davidson to close the Public Hearing

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to approve Resolution No 21-2011 to Adoption of Local Law Amending the “Sewer” Rent Chapter of The Village Code As To The Method of Computing Sewer Rates

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on

March 15, 2011; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law F of the Year 2011 as a Local Law.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

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

Carried

6:20 PM PUBLIC HEARING - Amending the Ethics Chapter regarding voting by PY Firefighters who are Village Trustees.

MOTION by Trustee Davidson, seconded by Trustee Winslow to open the Public Hearing at 6:20PM

Mayor Church asked if there were any comments from the public regarding amending the Ethics Chapter regarding voting by PY Firefighters who are Village Trustees.

Recusal

Tom McCormick, a Village Resident and member of the Fire Department, feels the only question is if Trustee M. Christensen a fireman and can he vote on Resolutions pertaining to the Penn Yan Fire Department. He explained it seems you have to be active fireman to qualify to vote. Tom mentioned there are by-laws for the Department, in addition to each Company which has their own officers and their own by-laws. Tom read from the by-laws Article 3 (Membership) Section 3 inactive/honorary membership, we do have members that are inactive and do benefit from the Resolution, therefore Trustee M. Christensen does have the right to recuse himself. We have four fireman on the Village Board, therefore the exception should apply. Tom feels the Amendment should be passed. Trustee Davidson agrees with Tom- if four people who have to recuse themselves – then we go with the majority. Tom agreed if the firemen are minority they should recuse themselves. Mayor Church explained when this first started he did some research and disagreed with our Attorney – he now understands why Atty. Brockman is recommending to amend the Code of Ethics. Mayor Church contacted NYCOM for clarification regarding four volunteer firemen on the Village Board being able to vote on matters with the Fire Department. The responses are each the same thing. Mayor read the response “My conclusion is that this individual is an active honorary member of this Department is a member. You need to consult and get an opinion from your Village Attorney”. John Mansey stated I am not familiar with your Code of Ethics I will defer you to your Village Attorney advice and counsel regarding if you should amend your local Ethics Law. Mr. Mansey does feel the Mayor and Trustees active or inactive status in the Fire Department have the opportunity to participate in Department Social functions and have close relationship with firemen and in our view they should rescue themselves. Mayor Church stated the term a rule of necessity – which says if you have a seven person Board and because of the vote taken four members feels they have to recuse themselves, which in this case three firemen and Mike as an honorary firemen. Therefore you cannot have a vote, so the rule of necessity now says everyone should vote. Mayor Church explained we received information from Scicchitano & Pinsky, Attorney at Law from Syracuse and these gentlemen are also Volunteer firemen and have written a book on the specifics in dealing with Volunteer Firemen. Mayor Church read a portion of their opinion in this matter. Inactive members including the Mayor and Trustees have all the privileges as a regular member except they are excused from all fires, rescue and ambulance calls and practices. The inactive members must recuse themselves. It is our legal opinion there is not a minimum quorum four members of the Board are Firefighters this is unexpected option, since a seven member Board will be unable to act on both Fire Department funding and Fire Department expenditures. Three members of a seven member Board do not comprise a quorum and the three members could not vote on any fire Department funding or expenditures. Mayor reminded everyone that no matter how many you have at a Board meeting you need four votes to pass. Mayor Church explained we can do two things – (1) Waive the excepted conflicts of interest against the need to have these three active members of the Fire Department active roster and pass the Local Law to authoring the Board members who are also active members of the Fire Department to act on matters that are pertaining to the Fire Department that come before the Village Board. (2) Pass a resolution to amend the Village Code of Ethics to allow the Mayor and the Village Board who are members of the Fire Department to vote on a resolution are pertaining to finance matters with in the Fire Department. Atty. Brockman explained the Code of Ethics now requires anyone who has an interested in a matter before the Board to recuse themselves. Atty. Brockman stated what the Mayor stated is accurate and if Mike Christensen is an active or inactive Fireman and if there were

requirements that recuse him would apply to him as well as the other three members on the Board. Atty. Brockman found an opinion from the Atty. General office they had been under the same opinion that anyone that is a Volunteer Firefighter as a Trustee as the Board would recuse themselves. However they reconsidered that because a seven member Board and four were Firefighters you could not take any action on their own Fire Department and found that to be intolerable. Found in your smaller Village's that members of the Board act as Volunteer Firefighters. **Trustee Stewart mentioned according to New York State, Penn Yan is a Medium size Village , not a small one. Medium sized Villages have some different regulations than small Villages.** In that case the Village should amend the Code of Ethics or enact a Local Law providing the Board of Trustees may act in with respect to the Fire Department. Atty. Brockman stated in small Communities many people are volunteer firefighters and since we have a situation we need to amend our Code of Ethics. As it reads now none of our four Trustees could vote on anything that deals with the Fire Department. Atty. Brockman recommends the Board to adopt the Local Law and make an exception to the recuse requirement for the Firefighters that are on the Board of Trustees. He reminded everyone that if you have four Trustees present and one was a Firefighter they could not vote and no action would be taken. Trustee Davidson would like to write a letter to **the Attorney General** for another opinion. Tom McCormick will help with the draft of letter. Trustee Davidson will pass it by Atty. Brockman for his review. Atty. Brockman feels the Local Law is the best way.

At 7:06 PM MOTION by Trustee Winslow, seconded by Trustee Davidson to close the Public Hearing

MOTION by Trustee C. Christensen, seconded by Trustee M. Christensen to approve Resolution No 22-2011 Adoption of Local Law Amending the "Code of Ethics" Chapter of The Village With Respect To Voting By Penn Yan Fire Company Volunteer Firefighters Who are Village Trustees

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on March 15, 2011; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law E of the Year 2011 as a Local Law.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

Mayor called a roll call vote:

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

Carried

MOTION by Trustee Davidson, seconded by Trustee M. Christensen for a letter to be sent to **the Attorney General** for regarding the Fire Fighters on the Village Board and voting.

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

Carried

6:25 PM PUBLIC HEARING - Creating Boat Trailer Parking regulations at the Keuka Street Boat Launch.

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to open the Public Hearing at 7:13PM.

Trustee Stewart spoke with a Jerusalem resident wonder if a Boat Launch could be put in at Indian Pines Park. Mayor Church reminded him Indian Pines is in the Village. We do not get sales tax from the County. We are trying to maintain two Village Parks, Boat Launch and Ball Parks on Village tax payer's money. Mayor stated yes we do get a little money from the County to help out. Mayor Church explained we have 50-60% of non-Village residents that use the Parks it's time that we can not to do this alone to maintain these.. The fee will before non- Village tax payers and will help to maintain the parking lot of the Boat

launch. Cliff Orr question how excitable will the permits be for residents and non- Village residents. Mayor Church stated we will have yearly permits and seasonal permits. Atty. Brockman stated we are looking to have a dispenser at the Boat Launch along with permits in the Clerk’s Office. Mayor explained this is for trailer parking only - no cost for launching or picking up your boat.

At 7:15 PM MOTION by Trustee C. Christensen, seconded by Trustee to close the Public Hearing.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Resolution No 23-2011 Adoption of Local Law Creating Boat Trailer Parking Regulations for the “Sports Complex at Keuka Street Boat Launch”

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on March 15, 2011; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law G of the Year 2011 as a Local Law.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

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

Carried

6:30 PM PUBLIC HEARING - Increase in Public Sidewalk Replacement Rates

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to open the Public Hearing at 7:16PM

Trustee Winslow explained this is a great project for residents to fix sidewalks.

At 7:17 PM MOTION by Trustee M. Christensen, seconded by Trustee Davidson to close the Public Hearing.

MOTION by Trustee Davidson , seconded by Trustee M. Christensen to approve Resolution No 24-2011 Increase in Public Sidewalk Replacement Rates

WHEREAS, the Department of Public Works of the Village of Penn Yan has recommended to the Board of Trustees of the Village of Penn Yan that the rate for sidewalk replacement pursuant to Code §174-6 be increased; and

WHEREAS, a public hearing was held on March 15, 2011, before the Board of Trustees of the Village of Penn Yan, due notice thereof having been given by posting and publication.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues and determined this action to be “Type II” as the action will have no detrimental effect on the environment. Therefore, no environmental assessment has been undertaken.

NOW THEREFORE BE IT RESOLVED, THAT

1. Pursuant to the provisions of §174-6 of the Code of the Village of Penn Yan the rate charged for sidewalk replacement shall be \$5.25 per square foot of public sidewalk replaced, effective as of the date hereof.

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

Carried

6:35 PM PUBLIC HEARING - Amending the (WDC) Waterfront Development and Conservation District Regulations.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to open the Public Hearing at 7:19PM.

Atty. Brockman explained the Village Planning Board had reviewed the Local Law and The Village Board made some modifications. Just received confirmation from the County. We will place this on hold until April's Village Board meeting.

At 7:21 PM MOTION by Trustee M. Christensen, seconded by Trustee Davidson to close the Public Hearing

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee M. Christensen, seconded by Trustee Davidson to have an Executive Session to discuss contract negotiations.

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

Carried

MINUTES:

MOTION by Trustee C. Christensen, seconded by Trustee Davidson to approve the Village Board Minutes from February 15, 2011 (revised minutes), special Village Board meeting with the Auditors on February 5, 2011 and Special Village Board meeting on March 1, 2011.

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

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION By Trustee Winslow, seconded by Trustee C. Christensen to approve the request for the Saturday morning Farm Market. They will be using the East side of Main Street between Jacob and Elm Streets from the middle of May to the middle of October, 2010 between 6:00AM – 12:30 PM.

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

Carried

MOTION by Trustee C. Christensen, seconded by Trustee M. Christensen to approve Pastor Wayne Butler of the Penn Yan United Methodist Church holds a Community Worship Service on Easter Morning, April 24, 2011 at 7:00 AM at Indian Pines Park.

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

Carried

Mayor Church explained the Gu-Ya -No-Ga Chapter (DAR) Daughters of the American Revolution will have a booth in front of the Penn Yan Elks Lodge on Saturday June 11, 2011 (Saturday before Flag Day – June 14). They will be handing out informational literature on the American Flag.

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to approve the Yates County Chamber Commerce 15th Annual Cruisin Night & Block Party on Main Street, Friday June 17th from 4:00pm to 9:30am. Parade will start at 8:30 pm.

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

Carried

OLD ITEMS

None

MAYOR:

Mayor Church reminded the Village Board the yearly Organization Meeting is Monday, April 4, 2011 at 5:00PM. Trustee’s Winslow and M. Christensen will not be available for this meeting.

ATTORNEY:

MOTION by Trustee Davidson, seconded by Trustee Winslow to approve Resolution No. 27-2011 Discontinuance and Abandonment of Unopened and Undeveloped Dedicated Streets in the Village.

WHEREAS, it has been proposed to discontinue dedicated streets that have never been opened, developed or used as streets; and

WHEREAS, the Director of Public Works Richard Osgood previously filed a certificate dated January 11, 2011 indicating that the Village previously accepted dedication of several streets by a deed recorded in the Yates County Clerk’s Office in Liber 161 of Deeds at page 181; that the streets dedicated therein known as Davis Street, Watkins Street, Swarthout Street and the portion of Geneva Street extending northerly from its intersection with McKinley Avenue have never been opened, developed or used as streets by the public, having been in such state in excess of six (6) years; and

WHEREAS, a public hearing on such discontinuance and abandonment was duly held on February 15, 2011 and the matter was referred to the Village Planning Board for review.

NOW THEREFORE BE IT RESOLVED,

1. That the following described streets previously dedicated and laid out but unopened, undeveloped and not used by the public as municipal streets in excess of six (6) years are hereby discontinued and abandoned:

Davis Street – The entire length thereof within the Village of Penn Yan, running generally east to west from the Village line to Geneva Street, being approximately 45.00 feet in width throughout.

Geneva Street - From a straight line extension to the East of the northerly line of McKinley Avenue, thence in a northwesterly direction to its terminus at Davis Street, being approximately 45.00 feet in width throughout.

Swarthout Street - The entire length thereof within the Village of Penn Yan, running generally east to west from the Village line to Geneva Street, being approximately 45.00 feet in width throughout.

Watkins Street - The entire length thereof running generally northwest to southeast, from Davis Street to East Main Street, being approximately 45.30 feet in width throughout.

2. That the official Village Map be amended accordingly, that notice hereof be made by publication, that copies hereof be filed with the County Highway Department, Yates County Clerk and the Yates County Sheriff’s Department.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to approve Resolution No 28-2011 Authorizing Sale At Public Auction and the Mayor To Execute and Deliver a Deed Conveying Title of the Premises Consisting of Approximately Two (2) Acres of Unimproved Land Northeast of McKinley Ave in the Village of Penn Yan

WHEREAS, the Village of Penn Yan presently owns premises consisting of approximately two (2) acres of unimproved land northeast of McKinley Ave in the Village of Penn Yan; and

WHEREAS, said premises were previously declared to be surplus property by Resolution duly adopted; and

WHEREAS, as the Board of Trustees intends to act as “Lead Agency” on the sale of this premises, such sale appearing to have no significant effect upon the environment and may therefore be a “Type II” action..

NOW THEREFORE BE IT RESOLVED,

1. That the Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action.

2. The Board of Trustees of the Village of Penn Yan determines that no environmental impact will occur by the adoption of this local law, the adoption of such Local Law is a “Type II” Action under SEQRA and therefore no environmental review will be undertaken.

3. Said property shall be offered for sale at public auction with terms of sale as attached hereto and made a part hereof.

4. The Mayor is authorized and directed to execute a deed for the transfer of title of the premises of approximately two (2) acres of unimproved land northeast of McKinley Ave in the Village of Penn Yan, as well as any other document(s) required to effectuate said transfer of title and to deliver such executed deed to the buyer of said premises upon receipt of the agreed upon purchase price.

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

Carried

COMMUNITY REVITALIZATION:

MOTION by Mayor Church, seconded by Trustee Davidson to approve Milly’s Pantry’s application for a grant/loan in the amount of \$13,408 (which \$6,704 would be grant and \$6,704 would be a loan) pending that a credit report or financial statement is received from Milly’s Pantry.

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

Carried

Discussion: Atty. Brockman explained he has order the abstract for Milly’s

MUNICIPAL:

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to approve Resolution 25-2011 to appoint Brent Bodine as the Village delegate at the MEUA Semi-Annual meeting April 27th and April 28th, 2011 in East Syracuse, NY.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee M. Christensen to authorize up to three (3) employees to attend the MEUA Semi-Annual Meeting being held April 27th and 28th in East Syracuse, NY at a cost of \$110 per person for the conference and \$119 per person per hotel room.

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

Trustee M. Christensen Aye

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to authorize going out for bids for a 500 KVA padmount transformer.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee Winslow to authorize up to five (5) employees to attend the FLWWC Spring Meeting being held April 7th in Watkins Glen, NY at a cost of \$22 per person.

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

Carried

MOTION by Trustee Davidson , seconded by Trustee C. Christensen to authorize Assistant Director of Public Works Bill Jensen to attend the Cross Connection Control Courses being offered at Monroe Community College (April 18 - 21) at a cost of (\$595.00).

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

Carried

MOTION by Trustee Davidson , seconded by Trustee Winslow to authorize the attendance of up to one (1) employee (Mike Naylor) at the New York AWWA Water Event and Expo being held April 12th – 14th in Saratoga Springs, NY at a cost of \$315 for the conference and \$620 for the hotel.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to declare ultraviolet light bulbs at the WWTP as surplus and sell.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to declare a box blade at the WWTP as surplus and sell at auction.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee Winslow to authorize the attendance of Mike Naylor at the NYRWA 32nd Annual Technical Conference being held May 9th – 12th in Saratoga Springs, NY at a cost of \$325 for the conference and \$620 for the hotel.

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

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to authorize the attendance of up to three (3) employees at the NYWEA Spring Meeting being held March 25th in Canandaigua, NY at a cost of \$30.00/pp

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye

Trustee C. Christensen Aye Trustee Winslow Aye
 Trustee M. Christensen Aye

Carried

MOTION by Trustee Davidson, seconded by Trustee Winslow to approve Utility Payment Agreements in the amount of \$4,689.64

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

Carried

FINANCE & ADMINISTRATION:

MOTION: by Trustee Winslow, seconded by Trustee C. Christensen to pay current Village and Municipal bills as submitted.

AUDIT:

Electric		392,263.26
Sewer		9,205.46
Water		7,923.47
Capital Projects		
Total Paid Before Audit	\$	437,999.49
Current Audit:		
General	\$	47,163.12
Community Development - CRC		-
Electric		65,183.88
Sewer		21,417.32
Water		42,238.84
Capital Projects		-
Total Current Audit Items	\$	176,003.16
TOTAL AUDIT	\$	614,002.65

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

Carried

DISCUSSION: Trustee Stewart asked if the Audit could be split out/broken down better. S. Wilber will look into it.

MOTION by Trustee Winslow, seconded by Trustee Stewart to approve up to (2) people attend a Basic Accounting School in Corning, NY on April 26, 27 & 28. Cost is \$85.00 /pp and mileage. (Rich Stewart is interested)

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

Carried

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to approve Resolution 26-2011 Budget Transfers for the 2010-2011 budget year.

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

Carried

MOTION by Trustee Winslow, seconded by Trustee Stewart to approve Resolution 29-2011 Lakeview Cemetery Charges

BE IT RESOLVED by the Board of Trustees of the Village of Penn Yan that the schedule of rates for Lakeview Cemetery shall be as follows:

<u>LOT INCLUDING</u>	<u>RESIDENT CHARGE</u>	<u>NONRESIDENT CHARGE</u>
Cremation & Childs' Grave purchase	250.00	300.00
Single Grave purchase	500.00	600.00
<u>BURIAL CHARGES</u>		
Grave Openings	450.00	450.00
Veteran's (Veteran's lot only)	300.00	300.00
Disinterment	700.00	700.00
Vault Storage	200.00	200.00
Child & Ash Burials	250.00	250.00
Saturday & Holiday Grave Openings	750.00	750.00
Saturday & Holiday Child & Ash Burials	300.00	300.00
Foundations up to 24" long	200.00	200.00
Foundations up to 48" long	290.00	290.00
Foundations up to 72" long	350.00	350.00
Recording Cemetery Lot Deed in Village Clerk's Office	37.50	37.50
Funeral services not completed by 3:30 PM, extra charge of	200.00	200.00

This amended resolution will take effect June 1, 2011.

Dated: March 15, 2011

by the Village of Penn Yan
Board of Trustees

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

Carried

Mayor Church and the Board realized three of the Trustee would not be able to make it for the April 4th meeting. Mayor Church explained that he would like everyone at the Budget Workshop meeting. It's a very difficult Budget and times are tough. The original date for the Budget Workshop was set for Tuesday April 4 at 5:30PM following the Organization meeting. The Public Hearing for the 2011-2012 Budgets were set for Tuesday April 12, at 6:00pm. It was decided to go with Tuesday April 12th at 5:30pm for the Budget Workshop and Wednesday April 13th at 6:00pm for the Public Hearing and approve the budget that night or wait until the April 19th meeting.

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to schedule a Budget Workshop on Tuesday, April 12th at approximately 5:30PM and to hold a Public Hearing on Wednesday, April 13 at 6:00 PM for the 2011-2012 Budgets.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye

Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussion: Mayor Church would like Brent Bodine and Bill Jensen to attend the Budget Work Shop meeting. Mayor stated you have three weeks to review the budget and make recommendations. If you would like to meet with Brent or your Committee members please do. Shawna mentioned if you have questions please don't hesitate to ask and if I make changes I will inform the Board. Mayor Church stated we need input from all of you. Mayor explained there was a 6 hour meeting yesterday going over the budget with the following people (Mayor Church, Trustee Winslow, Trustee Stewart, Shawna Wilber, Brent Bodine, and Bill Jensen).

PERSONNEL:

None

PUBLIC SAFETY:**POLICE DEPARTMENT:**

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve SRO Dawes to attend a NYS judicial Diversion Training Program in White Plains, NY from March 28 – March 30, 2011. The training is part of the Drug Court program that SRO Dawes participates in. Judge Falvey and DA Cook will also be attending the training. There are no costs associated with the training other than SRO Dawes normal work days. The following people (SRO Dawes, Judge Falvey and DA Jason Cook) have the Boards approval to ride in the police Chief's car for transportation to the training.

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

Carried

Trustee M. Christensen mentioned Chief Hulse will be have an in-house Taser Training on March 22 and 23, 2011.

Trustee M. Christensen explained we are starting to implement the Tracs (Traffic and Criminal Software) Training (on line method of ticketing). All the equipment is in the cars just waiting to get everyone trained on it before we have it up and going.

MOTION by Trustee M. Christensen, seconded by Trustee Davidson to approve Sgt. Dunham to attend Taser instructor re-certification class in Watkins Glen on April 4, 2011. Cost \$175.00

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

Carried

Trustee M. Christensen announced Officer Patrick Ellison was awarded the American Legion Police Officer of the Year award on March 12 at the American Legion. Chief Hulse explained Officer Ellison is a hard working dedicated Officer and on two different occasions was called for medical emergencies and performed CPR on both calls and was successful in saving both lives. Atty. Brockman stated 1st Fire Chief Rick Simpson received the Firefighters Year award at the American Legion dinner on March 12th congratulations to both.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve the hiring of a Part Time Patrolmen Bradley Conover effectively March 16, 2011 at \$16.00 hour.

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

Carried

Discussion: Trustee M. Christensen stated Mr. Conover is presently working Part Time in Watkins Glen and through the County Court system here in Penn Yan.

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires			
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires			
Other Fires	1	20	13.7
Wires	2	19	2.9
Other Emergency	5	70	31.6
Automatic Alarm Fires	5	51	5.5
Mutual Aid Scene	2	39	28.4
Mutual Aid Standby			
Public Service			
Vehicle Accident			
Total Fire Calls	15	199	82.1
Medical/Rescue Calls			
First Responders			
Assist Ambulance			
Other Medical			
Total Med/Resc Calls	0	0	0.0
Total ALL Calls	15	199	82.1
Other Activities			
Courses	6	6	180.0
Drills	5	62	142.0
Monthly Meetings	8	77	83.8
Committee Meetings			
Fire Prevention			
Fund Raising			
Parades/Cleanup			
Work Detail	4	10	16.3
Wake/Funeral			
Line Of Duty			
Other			
Total Other Activities	23	155	422.1
*****	***	*****	*****
Total ALL Activities	38	354	504.2

FIRE DEPARTMENT:

Monthly Fire Department report

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve 2011 Upcoming Fire Department events

- Hunter Hook & ladder Co. Crusin Night Chicken BBQ Friday June 17,

2011

- PY Fire Dept. 400 Club Drawing Saturday July 23, 2011 (Private Party)
- Sheldon Hose Co. SCOPE Picnic Saturday August 20, 2011 (Private Party)
- PY Fire Dept. Event and Parade Friday and Saturday August 26, 27, 2011

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

Carried

CODE ENFORCEMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve, Bruce Lyon, CEO, being the Yates County delegate to NYS - to attend four (4) regular Finger Lakes Building Officials Association meetings in 2011. They are being held in March, June, September and December.

No cost for meetings – only mileage and time.

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

Carried

PUBLIC WORKS:

MOTION by Trustee Winslow, seconded by Trustee Davidson to approve the hiring of the Pothole Killers for one week (40 hours) at a cost of \$9,000.

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

Carried

Discussion: Trustee Stewart question where the money is coming from – Brent Bodine explained from the Moto and Sealing account. Mayor Church explained we have discussed this at the Public Works meeting. These people are professional at their job- we do not have the equipment and materials they use. They guarantee their work for one year and received good references on them. Trustee Winslow explained they did a survey of the Streets and have several pages of Streets they will be doing in the one week period. Mayor Church explained we will wait and see how it goes and if we like it will place it in the budget. This will free up the crews for other projects.

MOTION by Trustee Winslow, seconded by Trustee Davidson to approve to go out for bids for the Clinton Street and South Avenue paving projects.

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

Carried

Trustee Winslow explains the letter Brent Bodine would like to send to Mr. Krog and Ms. King regarding the sidewalk on Powell Lane. Looking at a cross walk near the railroad tracks and a new sidewalk from the railroad tracks to Powell Lane. We are asking to see if Mr. Krog will build a sidewalk from the main sidewalk up to his building for the ARC residents that travel on this road. Brent Bodine is asking the Boards approval to spend this money for a safety issue of residents that are traveling along this part of North Ave. and Powell Lane. Brent explained we will be sending a letter to Mr. Krog and Ms. Ring exemplifying the issue for sidewalks. Board did not need to vote on this. Mayor approved the letter to be mailed out.

Trustee M. Christensen commended the work the DPW Crew has done over the last few months. They have been down 1 critical full time employee. They know what they have to do during these past few storms also had some of the Municipal Crew help removing snow. Erik Decker has helped out in many ways. It's a credit to our crew that they have done an excellent job during this winter.

PARKS & RECREATION:

Dan Doyle will have a packet together shortly with the rules for the Boat Launch. Dan asked if anybody has questions to please forward them to him. We are moving forward with signs will be speaking with Chief Hulse regarding wording on signs to be able to enforce the law.

PLANNING & DEVELOPMENT:

None

PLANNING BOARD:

Trustee Davidson thanked the Waterfront Zoning Committee, Dick Osgood, Brent Bodine and Shawna Bonshak from the County and Steve Griffin all have done an excellent job and know it has been difficult one.

COMMENTS

Dan Banach explained the County has all the paperwork from the State authorizing the County to go out for proposal on the old boat factory property. Dan feels confident we will see action within six months.

Rom French explained the MUB Board and Shawna have worked on their budget (water, sewer and electric). Shawna included in them with Brent's assistants the new regulations with the EDU'S and with the proposal of the 4 million dollar loan security on the WWTP. Want to thank them for the hard work.

EDU's start June 1, 2011

Trustee Stewart explained last week he and Bill Jensen went to speak with the Main Street merchants regarding the loading zone parking and the removal of parking spaces on Seneca Street – near the corner and the Owl's Nest. Merchants were please with the information and no real complaints.

ADJOURNMENT:

At 8:10 PM, MOTION by Trustee M. Christensen, seconded by Trustee Davidson to move into Executive Session.

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

Carried

ADJOURNMENT OF EXECUTIVE SESSION:

At 9:33PM, MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to leave Executive Session and return to regular Village Meeting.

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

Carried

ADJOURNMENT:

At 9:33PM MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to adjourn the regular meeting

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

Carried

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: