

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 16th, 2010 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor D. Marchionda Jr.; Trustees W. Allison; M. Christensen; R. Church; B. Hoban ; R. Stewart; N. Taylor; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works D. Osgood; Assistant Director of Public Works B. Bodine; Police Chief Hulse; Parks Director D. Doyle; Fire Chief R. Retorick

ABSENT: CEO B. Lyon;

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

PUBLIC: Wayne Davidson, Tracy Marchionda, Doug Marchionda Sr., Penne Marchionda, Jeff Stewart, Jeff Morehouse.

Mayor Marchionda called the Village Board meeting to order at 6:05 PM.

CALL FOR EXECUTIVE SESSION: MOTION by Trustee Stewart, seconded by Trustee Hoban to have an Executive Session to discuss CSEA negotiations after we have heard from any guest that would like to speak tonight.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

Wayne Davidson questioned the NYS web site regarding the yearly Village audit. Trustee Church explained that we had problems in the past with the old auditors and everything is up to date.

MINUTES:

MOTION by Trustee Church, seconded by Trustee Taylor to approve the Village Board Minutes from February 16, 2010 and three Public Hearings on February 16, 2010.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Abstain	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

ADJOURNMENT:

At 6:08PM, MOTION by Trustee Stewart, seconded by Trustee Hoban to leave the regular Village meeting and move into Executive Session.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

ADJOURNMENT OF EXECUTIVE SESSION:

At 6:42 PM, MOTION by Trustee Allison, seconded by Trustee Taylor to leave Executive Session and return to Regular Village Meeting.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor 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 Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Christensen to approve the annual Penn Yan Area CROP Hunger Walk on Sunday, May 2, 2010 at 1:30pm. (Registration begins at 1:00pm – Starting and ending at the Penn Yan First Presbyterian Church). This is sponsored by the Penn Yan Area Council of Churches.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Pastor Wayne Butler of the Penn Yan United Methodist Church holds a Community Worship Service on Easter Morning, April 4, 2010 at 7:00 AM at Indian Pines Park.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Mayor Marchionda explained the Relay for Life of Yates County will be on Saturday June 5th and 6th at the Penn Yan Fireman's field.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the YCRR holds the 5K Race on June 13, 2010 at Indian Pines Park. Registration will begin at 7:30AM with the race to begin at 9:00AM. The walk will circulate the Indian Pines neighborhood and the run will go from Indian Pines Park down 54A to Lower West Lake Road and back.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MAYOR:

Mayor Marchionda reminded the Village Board the yearly Organizational Meeting will be held on Monday April 5th at 5:00PM in the Village Hall.

ATTORNEY:

MOTION by Trustee Church, second by Trustee Taylor to approve Resolution No. 10-2010 – Proposed Investment Policy of the Village of Penn Yan.

WHEREAS, General Municipal law (GML) §11 requires every municipality to adopt internal policies and procedures governing investments and deposits of moneys; and

WHEREAS, the Board of Trustees of the Village of Penn Yan has reviewed the within proposed investment policy; and

WHEREAS, it appears that there will be no environmental impacts as a result of the adoption hereof;

NOW THEREFORE, BE IT

RESOLVED, that the Board of Trustees of the Village of Penn Yan designates itself as “lead agency” for SEQRA purposes and declares the adoption hereof to be a Type II action and therefore no SEQRA review is required and does hereby adopt the following investment policies and procedures as of the date of the adoption hereof:

Investment Policy

1. PURPOSE OF THE INVESTMENT POLICY

This investment policy applies to all moneys, funds and other financial resources available for deposit or investment by the Village of Penn Yan. All public officers and employees of the Village of Penn Yan shall adhere to the terms of this policy.

2. OBJECTIVES

The primary objectives of investment activities by the Board of Trustees of the Village of Penn Yan, in declining order of priority, are:

- A. Compliance with any and all applicable federal, state and other legal requirements for investment of municipal financial resources.
- B. The protection and safeguarding of the investment of municipal financial resources.
- C. To provide sufficient liquidity to meet operating obligations of the Village of Penn Yan through its various operations.
- D. To obtain a reasonable rate of return (yield) on the deposits and investments.

3. DELEGATION OF AUTHORITY TO MAYOR AND VILLAGE TREASURER

The Board of Trustees' responsibility for administration of the investment program is delegated to the Village Mayor and Village Treasurer. The Mayor and Treasurer shall maintain an adequate internal control structure to provide a satisfactory level and Treasurer of accountability based on database, records incorporation description, amounts of investment, transaction dates and other relevant information.

4. LEVEL OF CARE IN MANAGING INVESTMENTS

All participants in the investment process shall seek to act responsibly as custodian of the public trust and shall avoid any transaction that might impair public confidence in the Village of Penn Yan to govern effectively.

Investments shall be made with judgment and care, in accordance with the prevailing circumstances which the average person of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from any personal business activity that could conflict with proper implementation of the investment policy or which could impair their ability to make impartial investment decisions on behalf of the Village of Penn Yan. All participants should also avoid the appearance of impropriety with respect to deposits and investments.

5. DIVERSIFICATION OF INVESTMENTS

It is the policy of the Village of Penn Yan to diversify its deposits and investments by financial institution, by investment instrument and by maturity scheduling.

6. INTERNAL INVESTMENT CONTROLS

It shall be the policy of the Village of Penn Yan for all moneys collected by any officer or employee of the Village, to transfer those funds to the Village Treasurer within thirty (30) days of receipt thereof, or within the time period specified in law, whichever is shorter.

The Mayor, Treasurer and any other public officer or employee of the Village having custody of money, shall be responsible for establishing and maintaining an internal control structure to provide reasonable assurance that deposits and investments are safeguarded against loss from unauthorized use, application or disposition, that financial transactions are executed in accordance with proper authorization, are recorded properly and managed in compliance with applicable laws and regulations.

7. DESIGNATION OF DEPOSITARIES

The following banks and trust companies are authorized for the deposit of monies up to the following maximum amounts:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
_____	_____	<u>Treasurer</u>
_____	_____	<u>Treasurer</u>
_____	_____	<u>Treasurer</u>

8. COLLATERALIZING OF DEPOSITS

All bank deposits of the Village of Penn Yan, including, but not limited to, certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured in accordance with the provisions of subsection 3 of §10 of the General Municipal law of the State of New York and/or any amendment or successor laws to such law.

9. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateral deposits shall be held by the depository and/or a third party bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released, as well as the events which will enable the Village of Penn Yan to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the Village of Penn Yan, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Penn Yan or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of the custodian for the Village of Penn Yan, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, under any circumstances be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the Village of Penn Yan with a perfected interest in the securities.

10. PERMITTED INVESTMENTS

As authorized by §11 of the General Municipal Law of the State of New York, the Board of Trustees of the Village of Penn Yan authorizes the Village Treasurer to deposit such moneys that are not required for immediate expenditure by the Village of Penn Yan, for terms not to exceed its projected cash flow needs in the following types of investments:

- A. Special time deposit accounts;
- B. Certificates of deposit;
- C. Obligations of the United State of America;

D. Obligations guaranteed by agencies of the United States of America, where the payment of principal and interest are guaranteed by the United States of America;

E. Obligations of the State of New York;

F. Obligations issued pursuant to §24.00 or §25.00 of the Local Finance Law of the State of New York (with approval of the State Comptroller) by any municipality, school district or district corporation other than the Village of Penn Yan;

G. Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies, where the general state statutes governing such entities or whose specific enabling legislation authorizes such investments;

H. Certificates of Participation (COPs) issued pursuant to §109-b of the General Municipal Law of the State of New York.

I. Obligations of this local government, but only with any moneys in a reserve fund established pursuant to §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n of the General Municipal Law of the State of New York.

All investment obligations shall be payable or redeemable at the option of the Village of Penn Yan within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Penn Yan within two (2) years of the date of purchase.

11. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Village of Penn Yan shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits as to the amount of investments which can be made with each financial institution or dealer. All financial institutions with which the Village of Penn Yan conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition for deposits therein by the Village of Penn Yan. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Village Treasurer and any other public officer having custody of money are responsible for evaluating the financial position and maintaining a listing of proposed depositories, trading partners and custodians. Such listing shall be evaluated at least annually by those officers.

12. PURCHASE OF INVESTMENTS

The Village Treasurer and other Public Officers of the Village of Penn Yan having custody of money are authorized to contract for the purpose of investments.

A. Directly, including through a repurchase agreement from an authorized trading partner.

B. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law of the State of New York, where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-48, and the specific program has been authorized by the Board of Trustees of the Village of Penn Yan.

C. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the Board of Trustees of the Village of Penn Yan.

All purchased obligations, unless registered or inscribed in the name of the Village of Penn Yan, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the public officer authorized to make the investment. All such transactions shall be confirmed in writing to the Village of Penn Yan by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as specified in §10 of the General Municipal Law of the State of New York.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of the custodian for the Village of Penn Yan, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or any other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government with a perfected interest in the securities.

13. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- A. All repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- B. Trading partners are limited to banks or trust companies authorized to transact business in the State of New York.
- C. Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United States of America pursuant to which principal and interest are guaranteed by the United States of America.
- D. No substitutions of securities is permitted.
- E. The custodian shall be a party other than the trading partner.

Mayor Marchionda called for a roll call vote

Trustee Stewart	Aye	
Trustee Taylor	Aye	
Trustee Allison	Aye	
Mayor Marchionda	Aye	
Trustee Church	Aye	
Trustee Christensen	Aye	
Trustee Hoban	Aye	Carried

MOTION by Trustee Church, seconded by Trustee Taylor to approve Resolution No 13-2010 declaring the Premises known as the Maxwell building Surplus Property and Authorizing the Sale Thereof.

WHEREAS, the Village of Penn Yan owns premises known as 127 Main Street, Penn Yan, NY commonly referred to as the “Maxwell Building”, being a two-story commercial structure in the Village’s central business area, which was previously used as the Village Court Building; and

WHEREAS, Village Court has relocated to another site and the Maxwell Building is no longer used for that purpose; and

WHEREAS, it has been determined that the building requires extensive repairs, improvements and modifications for any future use; and

WHEREAS, the Village of Penn Yan has no present use of said building for municipal purposes; and

WHEREAS, the Board of Trustees intends to act as “lead agency” on the sale of this premises, such sale appearing to be an “unlisted action”;

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Penn Yan determines and finds that the premises owned by the Village at 127 Main Street, Penn Yan, New York, commonly known as the Maxwell Building, is surplus property; and

BE IT FURTHER RESOLVED, that said property be disposed of by sale at the highest possible net profit to the Village; and it is further

BE IT FURTHER RESOLVED, that the Board of Trustees declares itself to be “lead agency” for the sale of said property and determines the sale to be an “unlisted action” requiring environmental review through a Short Environmental Assessment Form (SEAF) prior to transfer of title.

Date of Adoption: March 16, 2010

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Discussion: Trustee Hoban questioned how are we selling it? Atty. Brockman stated we have different options, auction, listing it or asking for sealed bids. It was appraised a few years ago, but it seemed high. Dick Osgood and Bruce Lyon have evaluated the building, providing costs of repairs that were not included on the previous appraisal to be in excess of \$20,000. This could bring the price down.

Atty. Brockman met with Chief Hulse and Officer Steve Hill regarding the Workplace Violence Prevention Program. Officer Hill will be working on a draft proposal and hopes to have it for the April meeting. Atty. Brockman explained the 4 step process, evaluation, policy formation, review and education.

MOTION by Trustee Hoban, seconded by Trustee Allison to approve Resolution No 15-2010 Regarding SEQR Review and Referral to Village and County Planning Boards and the Preparation of a Full Environmental Assessment Form Pertaining to Amendment of the Village Parks Master Plan.

WHEREAS, the Board of Trustees is considering the amendment of the Village Parks Master Plan and has received a copy of the proposed revised plan; and

WHEREAS, The adoption of this Amendment to the Parks Master Plan may be deemed a Type I Action pursuant to the SEQRA; and

WHEREAS, The Board of Trustees of the Village of Penn Yan intends to act as lead agency for the purposes of the review of this amendment under the provisions of the SEQRA; and

WHEREAS, The Board of Trustees of the Village of Penn Yan will complete a Full Environmental Assessment Form (FEAF) for this action which will be on file with the Clerk of the Village.

Now Therefore, be it

RESOLVED, 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; and be it further

RESOLVED, That the Board of Trustees of the Village of Penn Yan determines that the proposed amendment to the Parks Master Plan is a Type I action under SEQRA; and be it further

RESOLVED, The proposed revised Master Plan is referred to the Village Planning Board for its review and to the Yates County Planning Board pursuant to GML 239-m and the Village Attorney to directed to complete that referral upon availability of the completed FEAF.

Date of Adoption: March 16, 2010

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Discussion: Atty. Brockman explained he has met with Dan Doyle regarding the Master Plan. Atty. Brockman will have the SEQR ready for the Organization meeting in April. Trustee Allison explained the Master Plan needs to be reviewed and updated every 5 years. The Board will review and forward to the county Planning Board.

MOTION by Trustee Allison, seconded by Trustee Hoban to approve Resolution No 16-2010 Regarding SEQR Issues and Preparation of a Local Law Relating to Preservation of Roads in the Village

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider adoption of a local law relating to the Preservation of Roads in the Village; and

WHEREAS, the Board of Trustees intends to act as lead agency for the purposes of the review of this proposed local law under the provisions of SEQR; and

WHEREAS, it appears that there will be no environmental impact by the adoption of such a local law and therefore such adoption may be deemed a Type II Action pursuant to SEQR; and

Now Therefore, be it

RESOLVED, 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; and be it further

RESOLVED, that the Board of Trustees determines that the adoption of such a local law is a Type II Action under SEQR and therefore no environmental review is necessary; and be it further

RESOLVED, the Village Attorney is requested to draft a proposed local law with respect thereto.

Date of Adoption: March 16, 2010

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Discussion: Atty. Brockman explained that this is a proposed local law for the preservation of local roads. Board will be the lead agency and determined it to be a Type 2 action with no environmental impact. At this time looking for the Boards approval to start the environmental review process for the law.

MOTION to approve Resolution No. 17-2010 Adoption of Local Law for The Repeal of the “Financial Management and Investment Policy” Chapter of the code of the Village of Penn Yan.

WHEREAS, the Board of Trustee previously dealt with SEQRA issues related to this proposed Local Law A of 2010, by declaring itself lead agency and designating the action as Type II; and

WHEREAS, a public hearing was held before the Town Board on said proposed local law on February 16, 2010.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law A of the Year 2010 as Local Law 1 of 2010.
2. The Village Clerk is directed to file such Local Law 1 of 2010 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 Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Atty. Brockman and Trustee Church explained the situation with the Keuka Maid. Trustee Church explained the battle will be a joint effort, the Village together Milo, Jerusalem and Yates County are working together to help the legal cost associated with keeping the Keuka Maid from moving to the Penn Yan branch of Keuka Lake. Trustee Church explained it’s going to be a joint effort.

Atty. Brockman explained that he and Dan Doyle looking at the options for the Boat launch parking. Looking at parking meters see if available on State Bid. Customer place money in, get a ticket to place in your vehicle window. Atty. Brockman explained that will draft up a local law after a decisions made - looking at April to have more information regarding meters.

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

AUDIT:

VILLAGE:

Paid before Audit - General Fund	\$	5,408.71
Capital Paid before Audit		-
General Fund		44,639.23
Capital Fund		165.00
TOTAL VILLAGE AUDIT:	\$	<u>50,212.94</u>

MUNICIPAL:

Paid before Audit	\$	356,473.79
Capital Paid before Audit		-
Electric Fund		62,841.91
Water Fund		13,788.23
Sewer Fund		47,632.04
Capital Projects		2,630.00
TOTAL MUB AUDIT:	\$	<u>483,365.97</u>

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

FINANCE & ADMINISTRATION:

MOTION by Trustee Church, seconded by Trustee Allison to approve Resolution No. 11–2010 Budget Transfers for 2009-2010.

TO:

A1325.41	Finance	Contractual Services	\$	458.00
A3410.41	Fire Dept	Contractual Services		500.00
A3410.50	Fire Dept	Supplies & Materials		1,050.00
A7140.54	Parks & Rec	Picnic Tables		35.00
A7140.56	Parks & Rec	Park Grant		31,586.00
	Total	Total	\$	<u>33,629.00</u>

FROM:

A1325.44	Finance	Copier Services	\$	458.00
A3410.418	Fire Dept.	New Third Assistant		500.00
A3410.53	Fire Dept.	Radios/pagers		800.00
A3410.54	Fire Dept.	Air Paks		250.00
A5110.1	Street Maint.	Personal Services		17,772.00
A7140.1	Parks & Rec	Personal Services		2,240.00
A7140.18	Parks & Rec	Park Attendants		1,924.00
A7140.2	Parks & Rec	Equipment		9,650.00
A7140.55	Parks & Rec	Docks		35.00
March 16, 2010			\$	<u>33,629.00</u>

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Allison to approve Resolution No. 12–2010 Budget Amendment for 2009–2010.

Increase

A7140.56	Park Grant Expense	\$	37,662
A3897	Culture and Recreation Capital Projects		81,248
	Total	\$	<u>118,910</u>

Decrease

A4320.0	Crime Control Grant	\$	68,355
A3120.531	09 Recovery Grant		68,355
A1081	PILOT		45,788
March 16, 2010		\$	<u>182,498</u>

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Hoban to accept the 2 year Arrangement Letter from BST for general auditing and for the Court audit. The cost is approximately \$26,000 annually.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Discussion; Trustee Hoban stated the Auditors have done a great job and feels they are worth it and we have been satisfied with them.

MOTION by Trustee Church, seconded by Trustee Taylor to set a budget workshop meeting for March 22, 2010 at 6:00 PM to include any other Village business.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Discussion: Trustee Church explained a draft copy of the budget has been handed out which will be reviewed at the Budget workshop on the 22nd. He encourages any new Board members to attend. They cannot vote at this time, but can offer comments.

MOTION by Trustee Church, seconded by Trustee Taylor to hold a Public Hearing for the Village Budget on April 20th, 2010 at 5:50 PM in the Village Hall

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Discussion: Dick Osgood mentioned that the DOT plans on attending the Village Board meeting on the 20th to discuss the Liberty Street Bridge construction. He will have them arrive around 6:15 PM.

PERSONNEL:

Trustee Stewart explained last week the CSEA employees approved the two year agreement. They have been without a contract since June 1, 2009. CSEA employees will receive a retro increase of 3% back to June 1, 2009 and effective June 1, 2010 will receive an additional 3% increase. The new contract also includes increased health insurance concessions from all employees.

Motion by Trustee Stewart, seconded by Trustee Hoban to approve a two year agreement with CSEA, which includes a 3% increase retroactive to June 1, 2009 and receive 3% for 2010. The agreement will be effective until May 31, 2011.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Trustee Church explained the PBA Negotiating Committee has been working with the PBA on negotiations for the June 1, 2010 contract, there are currently some open issues but we should expect an agreed upon contract within the next month or two.

Trustee Stewart explained it will be another 2-3 months for the updated employee handbook. This will give time for any new Board members to review it.

PARKS & RECREATION:

Trustee Christensen mentioned the committee has reviewed the Draft of the Parks Master Plan. They are looking into updating and possibly moving the Bath house at Red Jacket and have improvements at Indian Pines Park.

Trustee Christensen explained that Dan Doyle has been doing CPR training and training for the use of defibrillators with the Village employees. We have not received the defibrillators yet. Trustee Christensen questioned that we might want to review the rental rate for Red Jacket pavilion. We charge \$50.00 at this time. He is aware that other places charge a lot more, which we may want to consider. Dan Doyle spoke with Chris Vaughn regarding the Keuka Lake Arts Festival which will be held June 12 & 13th of this year. Chris will be speaking with Chief Hulse regarding the security for the festival.

PLANNING BOARD:

No Report

PLANNING & DEVELOPMENT:

Trustee Hoban discussed that projects are moving ahead slowly. Working on the Water Street projects which include (Birkett Mills) warehouse building and the Garrett Winery along with the waterfront rezoning.

PUBLIC SAFETY:

Trustee Taylor explained the meeting was cancelled today – most members were tied up with an issue at the school and unable to attend the meeting.

POLICE DEPARTMENT:

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve Investigator Donovan attends a two day Search Warrant Training Application in Syracuse, NY on March 2nd and 3rd, sponsored by NY State Department of Criminal Justice Services. No fee for the training.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Taylor, seconded by Trustee Church to approve Officers Patrick Ellison and Keith Woodard attend four hour Training on “Verbal Judo” in Geneva at Hobart and William Smith College on March 11, 2010, sponsored by the Finger Lakes Law Enforcement Academy. The cost is \$25.00 per officer. The training concentrates on verbal and non-verbal communication skills with new officers.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve Sgt. Stewart and Officer Morehouse attends a one day Smith and Wesson Armorers Course at Fairport Police Department on March 16, 2010 from 8:30am – 4:30pm. No fee for training. Training will focus on the M & P pistol which the PYPD carries.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve Chief Hulse attends a one day background Investigations Course on April 1, 2010 at Monroe County Public safety Training Facility. Cost is \$60.50. Training will focus on pre-employment background investigations for police officers.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Chief Hulse explained the Livescan Fingerprint Machine is in the office and he hopes to have it connected and running around March 22nd.

Chief Hulse explained that he has received a complaint regarding Elm Street snowmobile traffic at the Ballpark and Cemetery. At this time the snow has melted but Chief Hulse will look into the policy and get with Dan Doyle to be prepared for next year. Trustee Taylor received a complaint regarding kids on skateboards in the Village Streets and the Downtown Area. Chief Hulse will look into this. Chief Hulse explained that he received a resignation letter from Keith Woodard Sr. as a Part-Time Police Officer.

MOTION by Trustee Taylor, seconded by Trustee Allison to accept Keith Woodard Sr. resignation letter effective March 15, 2010.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

FIRE DEPARTMENT:

Monthly Fire Department report

Trustee Church wanted to Congratulate Chief Retorick for his first year in as Chief. Wishes him another good year.

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Feb 2010
run 03-12-2010 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires			
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires	2	27	9.8
Other Fires			
Wires			
Other Emergency	4	59	15.0
Automatic Alarm Fires	8	84	10.9
Mutual Aid Scene	2	31	36.4
Mutual Aid Standby			
Public Service	1	18	8.7
Vehicle Accident	2	40	10.8
Total Fire Calls	19	259	91.6
Medical/Rescue Calls			
First Responders			
Assist Ambulance			
Other Medical			
Total Med/Resc Calls	0	0	0.0
Total ALL Calls	19	259	91.6
Other Activities			
Courses			
Drills	5	73	165.0
Monthly Meetings	10	108	145.0
Committee Meetings			
Fire Prevention			
Fund Raising			
Parades/Cleanup			
Work Detail	2	13	17.0
Wake/Funeral			
Line Of Duty			
Other			
Total Other Activities	17	194	327.0
*****	***	*****	*****
Total ALL Activities	36	453	418.6

CODE ENFORCEMENT:

No Report

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Church to approve Brent Bodine and Don Rapalee attend a free Excavator Safety Seminar on Wednesday, March 17, 2010 in Farmington, NY.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to advertise for Bids for Purchase of Material – ready mix concrete, ready mix concrete with DCI, flow able fill, hot mix Bituminous, hauling of materials and high test-regular grade and unleaded gasoline along with diesel and kerosene and Chemicals for the Water Treatment Plant and Waste Water Treatment Plant.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded Trustee Taylor to approve the purchase of a 2010 Caterpillar 930H wheel loader from Milton-Cat for delivered price of \$114,049.00. This will be out of the DPW Reserve Fund.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Trustee Church questioned the status of the Liberty Street Bridge Project. Dick Osgood explained they have two ways of reconstructing it, one is to close ½ the bridge down at a time or close it completely and have a detour through town.

STREETS:

No report

CEMETERY:

No report

BUILDINGS:

No report

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Taylor to approve to hire an Electric Groundsperson for the Electric Crew.

Mayor Marchionda called for a roll call vote

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Nay
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

Trustee Stewart questioned about the position, why we could not hire a person that is already experienced? We wouldn't have to get anyone in advance. Trustee Allison explained that we are anticipating an employee to retire in 2-3 years. This gives us time to start a new person, which takes 4 years to train and become a Journey Lineman. They learn from the ground up and would be on probation for six months. Trustee Allison explained the Municipal Board, Director of Public Works and Assistant Director of Public Works have discussed this in detail and feel this is the best approach. Trustee Church asked Trustee Stewart to discuss this with MUB if he has further questions. S. Wilber explained this has no increase to the budget and no change in rate of electric.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve to advertise for bids to test and commission the new relays being installed at the Welker Substation.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye

Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve Dan Banach attends the MEUA Audit Committee meeting being held March 25th in Syracuse, NY. Cost is mileage reimbursement.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the attendance of up to four (4) employees at the MEUA Semi-Annual Meeting being held April 28th and 29th in East Syracuse, NY at a cost of \$110/pp, which includes meals. Would also include an overnight stay at a cost of \$115/pp.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve Resolution 14-2010 to appoint Brent Bodine as the Village delegate at the MEUA Semi-Annual meeting April 28th and April 29th, 2010 in East Syracuse, NY.

RESOLUTION 14-2010

Use this form to designate a delegate from within your municipal to represent your municipal.

At a regular meeting of the Village Board of the city/Town/Village of Penn Yan, New York, held on 03/16, 2010, the following resolution was adopted:

Moved by Trustee, seconded by Trustee,
Utilities Bd.

WHEREAS, the Penn Yan Municipal of the City/Town/Village of Penn Yan, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 28 and April 29, 2010 to be held at the Embassy Suites Hotel, 6646 Old Collamer Rd., East Syracuse, New York, 13057 and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Brent Bodine be and is hereby designated as the accredited delegate of the City/Town/Village of Penn Yan, New York.

On roll call: Affirmative: _____ Negative: _____

I certify that this resolution was adopted by the Village Board of the City/Town/Village of Penn Yan, New York on the _____ day of _____, 2010.

 Signature

 Title Mayor

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the attendance of up to two (2) employees at Grade D Training March 23rd and 24th at SUNY Morrisville at a total cost of \$250/pp. This Motion would also include lodging for both employees at a total cost of \$300, plus mileage and meals.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the attendance of one (1) employee at the NYRWA 1st Annual Technical Conference & Exhibition being held May 24th – 27th in Verona, NY at a cost of \$325. This MOTION would also include a three-night hotel stay at a cost of \$115/night, two meal tickets for a total of \$70, and mileage.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve the attendance of up to six (6) employees at the FLWWC Spring Meeting being held April 1st in Watkins Glen at a cost of \$22/pp.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Christensen to provisionally promote Ron Keech to Water and Sewer Maintenance Supervisor at a rate of \$23.89/hour. (Group 8, Step 13) effective February 15, 2010.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve the Payment Agreements in the amount of \$4,393.59

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Christensen	Aye	Trustee Taylor	Aye
Trustee Church	Aye		

Carried

COMMENTS:

Mayor Marchionda thanked Trustee Taylor and presented her with a plaque in recognition of 6 years of dedicated service to the Village of Penn Yan. Trustee Allison presented a plaque to Mayor Marchionda in appreciation for his dedicated service, devotion and leadership to the Village of Penn Yan over the past 18 years, 10 as a Trustee and 8 as Mayor. Trustee Allison stated he has done a tremendous job and one of his accomplishments is the Village Hall building. Mayor explained that we as a Board have done this together. The Mayor and Trustee Taylor thank everyone.

ADJOURNMENT:

At 7:55 PM MOTION by Mayor Marchionda, seconded by Trustee Church to adjourn the regular meeting

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: