

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, April 11, 2006 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees N. Taylor, M. Christensen, N. Koek, W. Allison, R. Dailey and R. Hoban; MUB Chair R. French; Village Treasurer Socola; Village Attorney Brockman; Police Chief S. Hill; Recreation Director Doyle; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood (joined at 8:25PM); Code Enforcement Officer B. Lyon; and Fire Chief J. Housel

ABSENT: Street Superintendent R. Jensen and Cemetery Superintendent L. Axtell

Public Attendees: Mike Carmel and Mrs. E. Armstrong

News Media present: Gina Muscato, Finger Lakes Time, Connie Murphy, Chronicle Express and Gwen Chamberlain, Dundee Observer

Mayor Marchionda called the meeting to order at 7:00PM and led the Pledge Allegiance to the Flag.

Mayor Marchionda executed the *Oath of Office* to newly elected Robert B. Hoban, as he was absent from the annual Organizational meeting on April 3rd.

PUBLIC HEARINGS:

7:02 PM, the Mayor opened the first of two public hearings as advertised – a proposed local law amending the sewer chapter to compose a policy for providing *sewer service outside* Village limits

The Mayor asked for any comments.....no one spoke

EXECUTIVE SESSION:

MOTION by Trustee Christensen, seconded by Trustee Koek to hold an *executive session* at the end of the regular meeting regarding a personnel matter. Carried.

MINUTES:

MOTION by Trustee Dailey, seconded by Trustee Taylor to approve the minutes of the March 14, 2006 regular Village Board meeting, and the April 3rd annual Organizational meeting, both as submitted. Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Mrs. Armstrong informed the Board of fine job Recreation Director Dan Doyle did organizing the trip to Rochester to see the *Lion King*. She enjoyed the entire trip.

CORRESPONDENCE:

MOTION by Trustee Koek, seconded by Trustee Christensen to approve their request to hold the annual Penn Yan Little League parade on Saturday, May 6th beginning at 10:00 AM from the boat launch. Carried.

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve the request from the American Legion Post 355 to hold their annual Memorial Day parade on Monday, May 29th beginning at 10:00AM. Carried.

The letter from the Y.C. Office of Emergency Management, Glen R. Miller, Director, regarding the National Response Plan (NRP) and the National Incident Management System (NIMS) was referred to Police Chief S. Hill and Fire Chief J. Housel for their review.

The letter from the Y.C. Genealogical & Historical Society, Idelle Dillon, Executive Director, requesting funds to refurbish and/or repair the Oliver House was referred to the Public Works Committee for their consideration

The letter from the American Red Cross, Sandra Perl, Executive Director, requesting support in funding the summer Water Safety Program, in the amount of \$500.00, was referred to the Parks & Recreation Committee for their review.

7:05 PM, Mayor Marchionda opened the 2nd public hearing regarding a proposed local law amending the water chapter to compose a policy for providing *water service outside* the Village limits

The Mayor asked for any comments.....

Mike Carmel asked if this pertained to the water & sewer rates. Mayor Marchionda explained these two proposed local laws were to make a policy for services to those outside the Village limits, not the rates. It has been an unwritten policy for years, now it will be in black and white.

At 7:08PM, MOTION by Trustee Allison, seconded by Trustee Dailey to close both public hearings. Carried.

MAYOR:

Mayor Marchionda called for a *Special Meeting* to be held next week, Tuesday, April 18th to hold a public hearing on the tentative 2006-2007 Village budget.

MOTION by Trustee Taylor, seconded by Trustee Koek to approve of the Mayor's appointment of Randy L. Schwingle as a member to the Parks & Recreation Committee/Commission for a 1-year term. Carried.

MOTION by Trustee Christensen, seconded by Trustee Dailey to approve of the Mayor's appointment of Trustee Hoban as "liaison" to the Historic Preservation District Commission for one year. Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to authorize the Mayor to sign the *Justice Court Assistance Program Grant* application to the NYS Unified Court System, not to exceed \$20,000, and to adopt RESOLUTION NO. 12-2006 referring to the grant application. Carried.

ATTORNEY:

Attorney Brockman reported on the following: *still no action concerning the YC Torrey Landfill issue, however, Attorney Brockman will meet with Trustee Allison and Jeff Gifford to discuss this further; *the "Owl's Nest" building should be sold and the Village in receipt of the check by the next meeting; *with regard to the letter that was written to the Elmira Police Chief, and then one to the Mayor, requesting pro rata costs associated with Tom Dunham's transfer, a reply was received from Mayor Tonello stating that he will look into the matter and respond in the very near future; * the "Keuka Lake Docking & Mooring Law" matter was again referred to the Planning & Development Committee; and

MOTION by Trustee Koek, seconded by Trustee Taylor to authorize the Mayor to sign the School Resource Officer (SRO) agreement between the Village of Penn Yan and the Penn Yan Central School District. This agreement will be effective from June 1, 2006 to May 31, 2009. Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to ratify the *Memorandum of Agreement* between the Village of Penn Yan and the CSEA Local 862 Unit 9302, relative to Matt Yonts' grievance, and to authorize the Mayor to sign said document. Carried.

MOTION by Trustee Taylor, seconded by Trustee Christensen to adopt RESOLUTION NO. 14-2006 Adopting proposed Local Law A of 2006, as *Local Law No. 01-2006*, amending the Sewer Chapter by adding provisions to control sewer service outside the Village. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt RESOLUTION NO. 15-2006 Adopting proposed Local Law B of 2006 as *Local Law No. 02-2006*, amending the Water Chapter by adding provisions to control water service outside the Village. Carried.

AUDIT:

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

Village:	Paid before audit – General Fund	10,177.85	
	General Fund	48,829.53	
	Paid before audit – Capital	12,195.00	
	Capital	<u>4,620.92</u>	
	Total Village audit:	75,823.30	
Municipal:	Paid before audit – Electric	271,922.31	
	Electric Fund	7,555.63	
	Water Fund	17,445.96	
	Sewer Fund	12,578.12	
	Capital Electric	42,766.37	
	Capital Water	1,587.60	
	Capital Sewer	<u>5,159.77</u>	
	Total Municipal audit:	359,015.76	Carried.

FINANCE & ADMINISTRATION: N. Koek, Chair; W. Allison & N. Taylor

Last meeting was today, Tuesday, April 11 2006 at 2:30 PM in the Village Hall, 111 Elm Street, 2nd fl.

MOTION by Trustee Christensen, seconded by Trustee Koek to adopt RESOLUTION NO. 09-2006 Budget Transfers. Carried.

MOTION by Trustee Koek, seconded by Trustee Taylor to advertise for a public hearing on the tentative 2006-2007 Budget to be held at the April 18th Special Board meeting. Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to offer a less expensive policy in lieu of the Blue Million coverage for those 65 years of age or older who get their health insurance through the Village. Carried.

PERSONNEL: M. Christensen, Chair, N. Taylor & R. Hoban

The last meeting was held Monday, April 10th at 4:00 PM in the Village Hall, Room 210

In the future, the Committee will meet twice a month, on Mondays, at 4:00 PM in the Village Hall.

MOTION by Trustee Christensen, seconded by Trustee Taylor for the Village to act as sponsor by hiring Kyle R. Van Galder as a part-time Police Officer. His beginning date will be April 12, 2006, at \$13.21 per hour. Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to pay Adrian (Joel) Pinckney and Harry Baker \$6.75 per hour as part-time cemetery laborers. (they were hired at the 3/14/06 VBm) Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to advertise for the position of part-time Code Enforcement Officer. Carried.

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

The next meeting will be held on Monday, April 17th at 11:00AM in the Wagner Inn, East Elm Street

MOTION by Trustee Dailey, seconded by Trustee Koek to re-hire Brian Hall, Ryan Cook and Mark Griffin as summer park laborers at \$6.75 an hour, beginning April 14, 2006. Carried.

Chair Dailey thanked Parks Director Doyle for the good job he did with planning and organizing the trips to the *Lion King* in Rochester. Mrs. Barbara Pinckney also wrote a note praising his work. More trips will be planned for next year.

PLANNING & DEVELOPMENT: R. Hoban, Chair, M. Christensen & R. Dailey

The next meeting is scheduled for Monday, April 24th at 7:00 PM in the Village Hall

AD HOC BUILDING COMMITTEE: D. Marchionda, Chair

The Clerk was asked to call Majed El Rayess at Kohlstaedt & Fredrickson to inquire (1) as to when we may expect the Fire House renovation plans and (2) where is the insert for the Village Office counter?

PUBLIC SAFETY: N. Taylor, Chair, M. Christensen & R. Dailey

The last meeting was today, Tuesday, April 11th at noon in the Wagner Inn, East Elm St. (the meeting date and time may be changed in the near future)

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Koek to approve the removals of Robert Banach and Randy Wilkins from the "Active Roll" of the Penn Yan Fire Department. Carried.

MOTION by Trustee Taylor, seconded by Trustee Allison to table Joe Trautman's membership into the Hunter, Hook and Ladder Company of the PYFD until the May 9th VBm. Carried.

PUBLIC WORKS: W. Allison, Chair; N. Koek & R. Hoban

The next meeting is scheduled for Monday, April 17th at 1:00 PM in the Village Hall, 2nd fl.

Streets:

MOTION by Trustee Allison, seconded by Trustee Koek to re-hire Hamm's Nursery to prepare hanging flower baskets (the Village is furnishing the baskets) at \$25.00 each, an increase of \$3.50 each from last year. This year impatiens have been chosen to hang on the Village light poles throughout the Village. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Clerk to advertise for sealed bids to purchase supplies and materials to be used by the DPW and the Municipal for the fiscal year from June 1, 2006 to May 31, 2007. Carried.

It was announced that *Spring pick-up* has begun. The Village is not in the business of removing ALL downed trees (i.e. those from back yards), but limbs, leaves, etc from Village trees. The DPW will pick-up only limbs 3 inches, or less, in diameter.

Buildings:

MOTION by Trustee Allison, seconded by Trustee Hoban to reject the one and only bid received for the demolition of 3/5 Maiden Lane. The bid, in the amount of \$76,560, was from Baar Environmental, Inc, from Hilton, NY. Carried.

MOTION by Trustee Allison, seconded by Trustee Dailey to approve the request from the Crooked Lake Fiddle Club to hold their practice sessions twice a month in the Village Hall basement, room 302, with certain provisions. The Police Department will unlock the Village Hall, and re-lock after all participates are inside. Carried.

MUNICIPAL:

The last meeting was Thursday, April 6, 2006 at 2:00 PM at 111 Elm St, Room 210

MOTION by Trustee Allison, seconded by Trustee Christensen to approve the request from Western NY Contracting, Inc. to use the Village's traffic plates, if necessary, to help with the traffic flow during the Main Street water main replacement project. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to appoint Stephen Castner to the position of Wastewater Treatment Plant Operator, retroactive to March 7th, the date of his DEC Certification. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve sending up-to-3 employees to attend the MEUA Semi-Annual Meeting in Liverpool, NY on April 26th and 27, 2006, costing \$100 per member plus accommodations. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to adopt RESOLUTION NO. 13-2006 to declare DPW Director Ed Balsley as the accredited delegate to the MEUA meeting (mentioned above), to represent the Village. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize Jens Jensen, and one other employee, to attend the New York Rural Water Association's 27th Annual Technical Conference & Exhibition 2006 on May 22nd through May 25th in Buffalo, NY at a cost of \$85.00 for registration and \$592.50 for accommodations. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the Mayor to sign the *Village of Penn Yan/Town of Milo Intermunicipal Agreement*, prepared by Attorney Brockman, regarding the Town of Milo billing. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to advertise for a public hearing to be held on Tuesday, May 9th at 7:00 PM in regard to increasing the *inside* Village water service charge by \$2.00; also the usage rate for less than 5,000 gallons be increased by 21 cents to \$3.20, and that the usage rate for more than 5,000 gallons be increased by 21 cents to \$4.43. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to advertise for a public hearing to be held on Tuesday, May 9th at 7:05 PM in regard to increasing the *outside* Village water service charge by \$1.00; also the usage rate for less than 5,000 gallons be increased by 21 cents to \$4.68, and that the usage rate for more than 5,000 gallons be increased by 21 cents to \$6.54. Carried.

Trustee Hoban adamantly expressed his opinion that the customer service charges are "drastically unfair". MUB Chair R. French explained why rate increases are needed. Necessary infrastructure has been ignored for at least the past nine years because funds were not available due to the low rates.

ADJOURNMENT INTO EXECUTIVE SESSION:

At 8:35PM, MOTION by Trustee Allison, seconded by Trustee Koek to adjourn into Executive Session regarding a personnel matter. Carried.

(The Clerk was excused)

(10-minute break)

ADJOURNMENT:

At 9:00 PM, MOTION by Trustee Christensen, seconded by Trustee Taylor to adjourn both the executive session and the regular Village Board meeting. Carried.

ANNOUNCEMENTS:

▶ A *Special* Village Board Meeting is scheduled for Tuesday, April 18, 2006 in Room 202.

▶ The next *Regular* Village Board Meeting is scheduled for Tuesday May 9th.

Linda K. Banach, Village Clerk