

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, April 12, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda, Jr.; Trustees W. Allison, N. Taylor, M. Christensen and N. Koek; Director of Public Works E. Balsley; Asst. DPW R. Osgood; Village Treasurer M. Socola; CEO B. Lyon; Police Chief S. Hill, Cemetery Superintendent L. Axtell; Village Attorney E. Brockman; and (newly elected) Fire Chief J. Housel

**ABSENT:** Trustees G. Smith & R. Schwingle, Street Superintendent R. Jensen, and Recreation Director D. Doyle

Public Attendees: MUB Commissioners R. French, R. B. LeClaire and D. Banach; Larry & Marion Strickland, Mrs. Elizabeth Armstrong, Anne Gunn and Bob Hoban

News Media present: Gina Muscato, Finger Lakes Time; Gwen Chamberlain, Dundee Observer and Rob Maeske, The Chronicle Express

Mayor Marchionda called the meeting to order at 7:03 PM and led the Pledge Allegiance to the Flag.

► At 7:03 PM, MOTION by Trustee Allison, seconded by Trustee Koek to open the first Public Hearing advertised for tonight concerning Local Law A of 2005 – proposed amendments to the SEWER RENTS Chapter 154 of the Code of the Village of Penn Yan re: procedure for changing water rent rates and to increase said rates. Carried.

► At 7:04 PM, MOTION by Trustee Christensen, seconded by Trustee Koek to open the second Public Hearing advertised for tonight concerning Local Law B of 2005 – proposed amendments to WATER RENTS Chapter 198 of the Code of the Village of Penn Yan re: procedure for changing water rent rates and to increase said water rates. Carried.

At this time, for clarification, Attorney Brockman explained each proposed local law.....  
Mayor Marchionda asked if anyone would like to speak.....

Resident, Robert Hoban, was still confused as to exactly what the proposed local laws contained. Were the rates going to be increased in these local laws? How long does it take to complete a local law? He informed the Board as to how to fix the water and sewer funds “shortage” problems, etc. Municipal Board Chair French, Village Treasurer Socola and Trustee Allison all spoke to explain the need for the rate increases at this time, and how these local laws will simplify the procedure for any future changes. A late charge penalty has also been incorporated into the laws. At 7:35 P. M., Mayor Marchionda left the public hearings open, and continued with the regular meeting.....

**MINUTES:**

MOTION by Trustee Christensen, seconded by Trustee Koek to approve the minutes of the regular Village Board meeting of March 22, 2005 as submitted. Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

None

**ATTORNEY:**

MOTION by Trustee Christensen, seconded by Trustee Taylor to adopt RESOLUTION NO. 05-2005 regarding SEQR review, referral to the Village Planning Board for their preparation of Part I of the full Environmental Assessment Form pertaining to definition amendments and other changes to the Zoning Chapter of the Code of the Village of Penn Yan. The Village declares itself as lead agency, the SEQR process is deemed as a Type I Action, the Penn Yan Planning Board will complete Part I and the Village Trustees will complete Parts II and III. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt RESOLUTION NO. 06-2005 re: the elimination of on-street parking along Route 14A (Liberty Street) from North Avenue to Elm Street in the Village of Penn Yan. The NYS Department of Transportation will implement the discontinuation of on-street parking, will install the necessary signage, and will make the curb cuts as requested from businesses, churches and/or municipal buildings. RESOLUTION NO. 06/2005 will be forward to the NYS DOT in Hornell, NY.

Record of Vote:	Mayor Marchionda	Nay
	Trustee Allison	Aye
	Trustee Christensen	Aye
	Trustee Koek	Aye
	Trustee Taylor	Aye

Motion Carried.

► Mayor Marchionda asked if anyone wished to comment about the two public hearings for proposed local laws relative to the sewer and water chapters in the Code of the Village of Penn Yan.....

Mrs. Armstrong asked for clarification that the water and sewer rate increases were actually included in these local laws to be considered tonight for adoption. The answer was “yes, the increases are included”.

► MOTION by Trustee Christensen, seconded by Trustee Taylor to close both public hearings. Carried.

**AUDIT:**

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

Village:	Paid before audit – General Fund	4,427.30
	General Fund	33,811.05
	Capital Fund (Fire Hse)	2,786.64
	Capital Fund (Vill Hall)	44,908.00

Carried.

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

The last meeting was held Tuesday, March 22<sup>nd</sup> at 2:30 PM in the Village Hall, 111 Elm St., 2<sup>nd</sup> fl.

MOTION by Trustee Koek, seconded by Trustee Allison to advertise for a public hearing to be held Tuesday, April 26, 2005 at 7:00 PM in the Village Hall, Room 202, on the proposed 2005-2006 Village Budget. Carried.

At this time, the Mayor briefly pointed out the following:

	<u>04-05</u>	<u>05-06 w/Officer X</u>	<u>05-06 w/o Offr. X</u>
Total Budget	3,052,507	3,310,397	3,260,397
Total tax levy	2,081,304	2,237,094	2,187,094
Total levy increase		7.5%	5.1%

Driving factors for increases include: 71% increase for Retirement costs (mandated by NYS)  
16% increase for health insurance  
36% increase for *outside* legal costs (due to Article 78's filed against the Village)

Copies of the proposed budgets are available at the Village Office.

MOTION by Trustee Christensen, seconded by Trustee Koek to adopt the short EAF, to direct the Mayor to sign said form and to issue a Negative Declaration for Local Law A of 2005 re: Sewer rents Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to adopt Local Law A of 2005 as *Local Law No. 01-2005* providing the SEWER RENT RATES be increased, establish late charges and that sewer rent rates be modified in the future by Board resolution and a public hearing. Carried.

MOTION by Trustee Koek, seconded by Trustee Taylor to adopt the short EAF, to direct the Mayor to sign said form and to issue a Negative Declaration for Local Law B of 2005 re: Water rents Carried.

MOTION by Trustee Christensen, seconded by Trustee Allison to adopt Local Law B of 2005 as *Local Law No. 02-2005* providing the WATER RENT RATES be increased, establish a late charge penalty and that water rent rates be modified in the future by a Board resolution and a public hearing. Carried.

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

The last Village/CSEA negotiation meeting was held Tuesday, April 5<sup>th</sup>; the next meeting is scheduled for Thursday, April 28<sup>th</sup>, at 4:00 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> fl.

**PARKS & RECREATION:** Randy L. Schwingle, Chair; W. Allison & N. Koek

The last meeting was held this afternoon, Tuesday, April 12<sup>th</sup> at 4:00 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> floor.

Trustee Allison requested that Recreation Director Doyle, or Village Clerk Banach, order two port-a-potties for the Elm Street Sports Complex (Little League field) until the restrooms are ready to open. At that time, the port-a-potties will be moved to the boat launch site for the summer season.

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

The March 28<sup>th</sup> meeting was canceled; the next is scheduled for April 25<sup>th</sup> at 7:00 PM, Village Hall, Room 210.

No report

**AD HOC BUILDING COMMITTEE for VILLAGE HALL/POLICE STATION & FIRE DEPARTMENT:**

D. Marchionda, Chair

Mayor Marchionda called for a meeting to be held Tuesday, April 19<sup>th</sup> at 7:00 PM in the Village Hall, 2<sup>nd</sup> fl.

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

The last meeting was held today, Tuesday, April 12<sup>th</sup> at noon in the Wagner Inn.

Old Business: Trustee Taylor reported that the request from Rainbow Junction Child Care Center to erect directional signs at both ends of Keuka Street was denied. They understood and were okay with them.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Koek to approve the new 2005-2007 slate of Fire Chiefs for the Penn Yan Fire Department, a two-year terms, as follows:

Fire Chief	Jeffrey Housel
1 <sup>st</sup> Assistant Chief	Brian Winslow
2 <sup>nd</sup> Assistant Chief	Richard Retorick
3 <sup>rd</sup> Assistant Chief	Richard Simpson

**CONGRATULATIONS!**

The Board extended their thanks outgoing Fire Chief Kevin Pallar for all his work and dedication for the last eight years, two of them as Chief. A job well done!

Trustee Taylor commented that if the Village didn't have to spend so much money on lawsuits, the Fire Chief could have his new fire vehicle, and the Village could hire Officer X for the Police Department.

Code Enforcement:

MOTION by Trustee Christensen, seconded by Trustee Taylor to table the letter from the Gorham United Methodist Church requesting fee waivers if they should need building permits for any work done within the Village performed by the volunteer *Group Workcamp* was referred to the April 26<sup>th</sup> meeting to allow more time to review the issue. Carried.

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

The meeting scheduled for Monday, March 21<sup>st</sup> was canceled.

**Streets:**

Trustee Allison announced that *Spring pick-up* began yesterday, Monday, April 11<sup>th</sup>. The Street Department will pick-up yard debris, limbs no larger than 3" in diameter, and leaves (preferred bagged) for the next few weeks.

MOTION by Trustee Allison, seconded by Trustee Christensen to advertise for sealed bids to purchase supplies and materials for the fiscal year of June 1, 2005 to May 31, 2006 to be used by the Village and Municipal. Carried.

**Cemetery:**

MOTION by Trustee Allison, seconded by Trustee Taylor to hire Adrian J. Pinckney to work as a part-time laborer to work in the cemetery for the 2005 season, at \$6.00 an hour. He will begin Monday, April 18<sup>th</sup>. Carried.

**MUNICIPAL:**

The last meeting was Thursday, April 7<sup>th</sup> at 2:00 PM in the Village Hall, 2<sup>nd</sup> fl.

MOTION by Trustee Allison, seconded by Trustee Taylor to appoint Brad Braman to the permanent position of Utilities Service Worker, effective March 16, 2005. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve the recommendation from the Municipal to re-establish the position of Wastewater Treatment Plant Operator, as soon as possible. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to promote Charlie Bush from Apprentice Lineworker to Lineworker, effective Monday, April 11, 2005. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt the revised *Vehicle Rate Schedule* prepared by Treasurer Socola, as recommend by the Municipal Utilities Board. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve the Municipal replacing Car #1 and Truck #10. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the Municipal trading in two used skidsteers for two new ones, at no cost to the Municipal or Village. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Assistant Director of Public Works Osgood to attend the 2005 Rochester Engineering Symposium on Tuesday, April 26<sup>th</sup> at a cost of \$75.00. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve Water Treatment Plant Chief Operator Jensen to attend the New York Rural Water Association's 26<sup>th</sup> Annual Technical Conference and Exhibition from May 1<sup>st</sup> to the 4<sup>th</sup> in Saratoga Springs, NY at a cost of \$700.00. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Asst. DPW Osgood to attend the Culvert Repair and Rehabilitation Workshop on Thursday, May 19<sup>th</sup> and Friday, May 20<sup>th</sup> in Steuben County at no cost the Village or Municipal. Carried.

Trustee Allison informed the Board that there is a continuing inflow and infiltration (I&I) problem within the Village. Corrective steps were discussed by the Municipal Board and Director of Public Works Balsley was asked to develop a plan to address this serious problem.

**OTHER BUSINESS:**

Trustee Koek reported that during the huge rainfall we had earlier this month, the Fire Department pumped out at least 26 residents' basements. Thank you!

**ANNOUNCEMENTS:**

► The next Village Board meeting will be Tuesday, April 26, 2005 at 7:00 PM in the Village Hall, Room 202.

► A public hearing will be held for the proposed 2005-2006 Village Budget at this meeting.

**ADJOURNMENT:**

At 8:30 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn the regular Village Board meeting and continue with the annual *Organizational Meeting*. Carried.

At this time, Trustee Koek left the meeting.

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Linda K. Banach, Village Clerk

