

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, April 27, 2004 at 7:00 PM in the Maxwell Building, 127 Main Street, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda; Deputy Mayor W. Allison, Trustees N. Taylor, M. Christensen, N. Koek, R. Schwingle and G. Smith; Street Supt. R. Jensen; Asst. DPW Director R. Osgood; Director of Public Works E. Balsley; Village Attorney E. Brockman; CEO B. Lyon; Police Chief Hill; Recreation Director D. Doyle; Cemetery Superintendent Trenchard, and Fire Chief Pallar

**ABSENT:** (a Treasurer)

Public Attendees: Les Rhode, Gentlemen from DVI, Mr. and Mrs. Armstrong, Anne Gunn, Gene Mitchell, and an unidentified couple

News Media present: Gina Muscato, Finger Lakes Times; Connie Murphy, Chronicle Express; and Peg Thompson, Dundee Observer

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

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Allison, seconded by Trustee Smith to hold an *Executive Session* at the end of the meeting concerning personnel matters. Unanimously Carried.

**MINUTES:**

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve the minutes of the April 6, 2004 *Organizational* and *Regular* meetings as submitted. Unanimously Carried.

\* It was agreed by all that since the meeting minutes are given to the entire Board as soon as they are completed, the Clerk would not make additional copies for the board meetings. If a correction needs to be made, the original copy should be brought to the meeting.

**GUESTS, PUBLIC REQUESTS & COMMENTS:** None at this time.

**MAYOR:**

MOTION by Trustee Koek, seconded by Trustee Christensen to approve the Mayor's appointment of Mark A. Socola to the position of Village Treasurer, for a 2-year term, effective May 3, 2004 at a beginning salary of \$53,000. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to adopt RESOLUTION NO. 20-2004 Application for the 2004 Justice Court Assistance Program from the New York Unified Court Systems for funds to assist the operation of Village Justice Court, not to exceed \$20,000 and to authorize the Mayor to sign said application. Unanimously Carried.

**ATTORNEY:**

Attorney Brockman reported that a meeting was held on Friday, April 23<sup>rd</sup> at 8:00 AM with Data Ventures, Inc. personnel, Les Rhode, Ed Balsley, Dan Banach, Dave Simmons and other Village Officials to discuss the unsatisfactory original agreement. Joe McCoy, President of DVI, informed the Board that they have a new company attorney who is re-drafting a new agreement "from the ground up" that will be approved by Attorney Brockman and the Village Board. DVI hopes to have their draft agreement ready sometime next week.

Attorney Brockman also reported that the "Townsend Sale" is moving along. The Village is purchasing a small plot, approximately five feet by 75 feet, in order to be on the "Village's property" when working with the Municipal substation.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Mayor to execute the deed, and other appropriate papers, when directed by Attorney Brockman. Unanimously Carried.

Attorney Brockman informed the Board that instead of the Mayor being solely designated, a committee should be appointed tonight to review and respond to Bob Hawley's Appeal received in the Village Office April 5, 2004. The committee consists of Trustees N. Koek, R. Schwingle and N. Taylor.

**CORRESPONDENCE:**

MOTION by Trustee Koek, seconded by Trustee Schwingle to approve a banner permit to Cornell Cooperative Extension of Y.C. to hang on upper Main Street from May 24<sup>th</sup> to June 7<sup>th</sup> entitled "2004 CHILD SAFETY FAIR MAY 24-June 5". Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to approve a banner permit to Clinton Crest Manor to hang on upper Main Street from June 7<sup>th</sup> to June 21<sup>st</sup> entitled "MANOR CREST FOUNDATION FUND CAMPAIGN". Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve the American Legion Post 344 request to hold an annual Memorial Day Parade on Monday, May 31<sup>st</sup> at 10:00 AM, beginning from the corner of Court and Main Streets and ending at Lakeview Cemetery. Unanimously Carried.

The letter received from Sarrasin's Restaurant requesting permission to use a portion of Red Jacket Park to hold a wedding on Saturday, September 25<sup>th</sup> was referred to the Parks and Recreation Committee.

**AUDIT:**

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

|            |   |            |
|------------|---|------------|
| Village:   | Paid before audit: General                  | 2,505.91   |
|            | Paid before audit: Capital (Vill.Bldg.)     | 11,835.10  |
|            | General Fund                                | 14,175.50  |
|            | Capital – CHIPS                             | 113.97     |
| Municipal: | Paid before audit: Electric                 | 194,636.40 |
|            | Paid before audit: Water                    | 3,172.50   |
|            | Paid before audit: Sewer                    | 1,903.50   |
|            | Paid before audit: Capital Projects - Water | 507.37     |
|            | - Sewer                                     | 42,961.04  |
|            | Electric Fund                               | 325,690.07 |
|            | Water Fund                                  | 106,756.41 |
|            | Sewer Fund                                  | 89,854.42  |

Unanimously Carried.

**FINANCE & ADMINISTRATION:** G. Smith, Chair

MOTION by Trustee Smith, seconded by Trustee Taylor to adopt the Village Budget for the 2004-2005 fiscal year as stated in RESOLUTION NO. 16-2004:

|                             |                  |
|-----------------------------|------------------|
| Legislative                 | 28,300           |
| Judicial                    | 36,034           |
| Executive                   | 37,300           |
| Finance                     | 144,459          |
| Staff                       | 48,700           |
| Shared Services             | 78,986           |
| Special Items               | 93,850           |
| Public Safety               | 1,054,384        |
| Health                      | 3,000            |
| Transportation              | 520,796          |
| Culture & Recreation        | 138,948          |
| Home & Community            | 96,550           |
| Employee Benefits           | 499,500          |
| Debt Service                | 171,700          |
| Interfund Transfers         | 100,000          |
| General Fund Appropriations | 3,052,507        |
| Estimated Revenues          | - 971,203        |
| Appropriated Surplus        | 0                |
| <b>2003-04 Tax Levy</b>     | <b>2,081,304</b> |

Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 17-2004 MAKE DETERMINATIONS REQUIRED BY SECTION 1402 (3) (a) of the Real Property Tax Law. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Koek to adopt RESOLUTION NO. 18-2004 TAX LEVY for 2004-2005 to collect \$2,081,304 by setting the tax rate (per thousand) within the Village for the Town of Benton at \$16.189209, the Town of Jerusalem at \$16.216651 and the Town of Milo at \$16.190177. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 18-2004 TAX WARRANT for the Village to collect 2,082,985.15 which includes relieved delinquent water, sewer and DPW charges. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Koek to adopt RESOLUTION NO. 21-2004 AMENDING RESOLUTION NO. 06-A-2004 AMENDED LAKEVIEW CEMETERY CHARGES AMENDED dated March 9, 2004 with \$350.00 for nonresident grave openings and \$150.00 for Village resident child and ash burials per Village Law. Unanimously Carried.

**PERSONNEL:** N. Koek, Chair

MOTION by Trustee Koek, seconded by Trustee Christensen to hire Jared Hamm and Paul Doan as summer laborers to work for the Municipal. Unanimously Carried.

**PARKS & RECREATION** – R. Schwingle, Chair

The last meeting was held Wednesday, April 21, 2004 in the PY Middle School, Room 229, at 4:00 PM.

MOTION by Trustee Schwingle, seconded by Trustee Koek to re-hire the following summer employees as lifeguards: Alex Brown, Heather Brown, Carlee Buck, Brian Creary, Katie Gates, Kerry Hallings, Kyle Knapton, Alyssa Marsh, Kim Marsh, Allison Mitchell and Stephanie Smolos. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to re-hire Mike Scutt and Lindsey Youngs as playground leaders. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Smith to re-hire Ryan Mahar as park laborer. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Koek to hire Cannon Doyle as playground leader for the summer season. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to hire Andrew Jensen, Brian Hall and Shane Morse as park laborers. Unanimously Carried.

**PLANNING & DEVELOPMENT:** M. Christensen

The last meeting was held yesterday, Monday, April 26<sup>th</sup> in the Village Office at 7:00 PM.

Trustee Christensen reported that the committee is still working on definitions and permitted uses. The committee also discussed a request to re-zone Brown Street and Brown Street Extension. This will be referred to the next Planning Board meeting.

**AD-HOC BUILDING COMMUNITY:** D. Marchionda, Chair

Assistant Director of Public Works Osgood gave a brief progress report of the new Village Hall and Police Station construction, which he believes to be about a week behind schedule. The next contractors' meeting will be tomorrow 9:00 AM at the site. The Mayor informed

the Board that he has been in contact with Allison McKenzie reiterating that the deadline is May 1<sup>st</sup> to submit the “lightning arrester” artwork that will be placed atop the dome. A Building Committee meeting will be called soon to review the sculptures.

**PUBLIC SAFETY:** N. Taylor, Chair

Trustee Taylor announced that the Committee would meet, as necessary, on the 3<sup>rd</sup> Thursday of the month at noon in the Wagner Inn. There last meeting was April 22<sup>nd</sup>.

**Police Department:**

After discussion, the request from the Humane Society of Yates County to hold a “Pans for Paws” fund drive in the Village was denied because of safety issues.

**Fire Department:**

MOTION by Trustee Taylor, seconded by Trustee Koek to approve the membership of Bryan Housel into the Sheldon Hose Company of the Penn Yan Fire Department. Unanimously Carried.

MOTION by Trustee Taylor, seconded by Trustee Christensen to accept the removal of George Burnett from the “Active Roll” of the Penn Yan Fire Department. Unanimously Carried.

MOTION by Trustee Taylor, seconded by Trustee Schwingle to accept the removal of Jack H. Wilkins, Jr. from the “Active Roll” of the Penn Yan Fire Department. Unanimously Carried.

**PUBLIC WORKS:** W. Allison, Chair

The last meeting was held Monday, April 19<sup>th</sup> at 1:00 PM in the Village Office, 2<sup>nd</sup> floor.

**Streets:**

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize advertising for sealed bids to purchase supplies and material to be used by the DPW and the MUB from Jun 1,2004 to May 31, 2005. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to hire Joel Travis and Derek Christensen to work with the DPW for the summer season. Unanimously Carried.

Due to paving Lake Street on Monday, May 3<sup>rd</sup>, Street Superintendent Jensen announced that “spring pick-up” would probably come to a halt that week. The “spring pick-up” is about 80% completed and will be continued A.S.A.P. Street Supt. Jensen also informed the Board that a new driveway/parking lot has been completed at the Oliver House. On a humorous note, the Mayor showed pictures of Supt, Jensen operating the machinery as proof that he was there and working!

**Cemetery:**

MOTION by Trustee Allison, seconded by Trustee Koek to re-hire Harold Smith to work part-time in the cemetery beginning May 6<sup>th</sup>. Unanimously Carried.

**MUNICIPAL:**

The last meeting was held on Thursday, April 22, 2004 at 2:00 PM in the Maxwell Building.

MOTION by Trustee Allison, seconded by Trustee Smith to award the contract to Western NY Contractors, the lowest bidder, for the Walnut Street and Florence Avenue Water Main Improvement project. The other two bids were from T-R-T Masonry for \$214,013 and Macedon Landscaping for \$209,525. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize Lu Engineers to proceed with the design of the pump upgrade at the Cherry Street Pump Station, at the MUB’s recommendation. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize the Municipal to advertise for sealed bids to sell the 2003 Ford front-end loader tractor. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve Jens Jensen to attend the NYRWA 25<sup>th</sup> Annual Technical Conference from May 17<sup>th</sup> to the 20<sup>th</sup> in the Hudson Valley Resort and Spa. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve Asst. DPW Director Osgood to complete 36 hours of training necessary to retain his engineer’s license without losing any benefit days, and also that the Village will pay for all relevant costs. Unanimously Carried.

A letter drafted by Asst. DPW Director Osgood was presented to the Board for their input. The Board agreed that Mr. Osgood should mail the letter to the Village residents for their assistance in locating where the excessive water is coming from that is getting into the sanitary sewer system. This situation is particularly serious during and after a rainstorm.

**OTHER BUSINESS:**

Gene Mitchell, 83 Old Pines Trail complained about the unsightly “wood chips” pile. He would like to see it removed, but if not removed, at least a fence erected to hide the pile. Gene’s main objective in being present was to ask why he had not been contacted concerning his letter received April 8<sup>th</sup>. He still wishes to have the Village re-zone his property at 105-111 Brown Street. The Mayor referred this matter back to the Planning Board.

Trustee Allison informed the Board that Fire Chief Pallar has prepared a quarterly report, handed out to the Trustees for their information, of the hours spent on fires, rescues, various emergencies, drills, meetings, etc.

At 8:10 PM, MOTION by Trustee Schwingle, seconded by Trustee Koek to adjourn into *Executive Session* concerning personnel matters. Unanimously Carried.

(At this time, the Village Clerk was excused)

At 10:00 PM, MOTION by Trustee Allison, seconded by Trustee Smith to adjourn the Executive Session and the Regular Board meeting. Unanimously Carried.

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Linda K. Banach, Village Clerk

