

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, May 10, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees N. Taylor, R. Schwingle, G. Smith, W. Allison and N. Koek; Director of Public Works E. Balsley; Asst. DPW R. Osgood (joined the meeting at 8:25 PM); Village Treasurer M. Socola; Village Attorney E. Brockman; Street Superintendent R. Jensen and Recreation Director D. Doyle and Fire Chief J. Housel

ABSENT: Trustee M. Christensen, Cemetery Superintendent L. Axtell, Police Chief S. Hill and CEO B. Lyon

Public Attendees: Mrs. Elizabeth Armstrong and Anne Gunn

News Media present: Rob Maeske, The Chronicle Express

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

EXECUTIVE SESSION:

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

MINUTES:

MOTION by Trustee Taylor, seconded by Trustee Schwingle to approve the minutes of the April 26, 2005 regular Village Board meeting, as submitted. Record of vote: Trustee Allison abstained. Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

None

MAYOR:

Old Business: The letter from Barbara Gathard, a member of a Non-Governmental Organization at the United Nations (The Ribbon International), asking the Mayor to join *Mayors for Peace* was referred to this meeting so the Board would have time to review it. "Mayors" is made up of cities and villages around the world that support the abolishment of nuclear weapons. "Support" requires a letter, no financial contribution. The Board would like more information before making their decision.

MOTION by Trustee Koek, seconded by Trustee Schwingle to authorize the Mayor to sign the annual Penn Yan Library Agreement for June 1, 2005 to May 31, 2006. The Village allocates \$1,000 for their use. Carried.

ATTORNEY:

Attorney Brockman reported on the following matters:

- (1) Annexation of the "cemetery" land from the Town of Jerusalem; they want the Village to also annex upper Court Street as part of the deal. Attorney Brockman will meet with Ed Balsley and Randy Jensen and report back.
- (2) Received a letter from the NYS DOT informing the Village of their plans to eliminate on-street parking along Liberty Street/Route 14A, and create a two-way center turn lane between Elm Street and North Avenue. They request that the Village repeal existing local ordinances that prohibit parking along that section.

► At this time, MOTION by Trustee Taylor, seconded by Trustee Smith to rescind RESOLUTION NO. 06-2006 that supported the State's plan for eliminating on-street parking. The State ignored the Village's request for curb-cuts to be installed in front of St. Michael's Church, municipal buildings and/or businesses.

Record of Vote to rescind said resolution:	Trustee Smith:	aye	Trustee Allison	aye
	Trustee Koek	nay	Trustee Schwingle	nay
	Trustee Taylor	aye		

Motion Carried.

Attorney Brockman was asked to write to the DOT informing them of the Village's decision.

- (3) The complaint made by Christine A. Galliher to the U.S. Equal Employment Opportunity Commission against the Village has been dismissed.
- (4) Mr. Patchett has asked if he could rent the land he sold to the Village for another season in order to plant crops. Street Superintendent Randy Jensen will ask Mr. Patchett for more information concerning the type of crop, to leave a section unplanted for the Village's use and how much rental fee he plans to pay.
- (5) Director of Public Works Balsley and Attorney Brockman will meet to discuss the progress (?) with Conifer Development regarding the Village's requests at Meadowside II.
- (6) Ask Planning Board when SEQR for the Zoning Amendment will be completed.
- (7) A section should be added to the Village Code explaining the procedure for re-zoning in the Village. The re-zoning of 3 parcels on Route 14A has brought this to light.
- (8) MOTION by Trustee Koek, seconded by Trustee Schwingle for the Village to support a law to uniformly restrict and regulate docks, moorings and boathouses on Keuka Lake. Attorney Brockman will send the completed forms onto Albany to be presented as bills. Carried.
- (9) Village Treasurer Socola and Attorney Brockman are creating a uniform process to run the Local Development Corporation program.
- (10) The recent signage issue brought to our attention by St. Michael's School needs to be reformed. Attorney Brockman and CEO Lyon will meet to revise the ZBA procedures.

CORRESPONDENCE:

The National Bank of Geneva informed the Board that they are holding a "*Dogs for Dogs and Other Things with Paws*" fundraiser for the Humane Society of Y. C. on Thursday, May 26th by selling hot dogs and soda outside the Bank's front doors.

MOTION by Trustee Schwingle, seconded by Trustee Taylor to grant approval for the Manor Crest Foundation to erect a banner across Main Street from June 6th to June 20, 2005 to advertise its' fund drive. Carried.

MOTION by Trustee Schwingle, seconded by Trustee Taylor to approve the request for HUBBA to erect 7 flags on the Village's Main Street light poles from June 10th to July 5th, following their presentation to the Mayor and Trustees.
Carried.

The Y. C. Chamber of Commerce has asked permission to hold a "Blues Festival" in the South block on July 30th from 7:00 AM to 11:00 PM. This would require the street being closed, erecting a tent and selling wine by either bottle or glass for the event. After much discussion, it was decided to invite Mr. Linehan to the Public Safety Committee meeting on June 14th to further explain the details.....

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve of the actual event, but at this time, without tent and wine being permitted until further investigation.
Carried.

AUDIT:

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

Village:	Paid before audit – General Fund	2,625.27
	General Fund	12,315.90
Municipal:	Paid before audit – Electric	109,176.00
	Paid before audit – Water	72,660.00
	Paid before audit – Sewer	45,080.10
	Electric	30,148.98
	Water	12,580.36
	Sewer	12,217.14
	Capital Water	48.00
	Capital Sewer	795.00

Carried.

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

Last meeting was held today, Tuesday, May 10th at 2:30 PM in the Village Hall, 111 Elm Street, 2nd fl.

MOTION by Trustee Smith, seconded by Trustee Taylor to authorize the Mayor to sign RESOLUTION NO. 11-2005 Make determinations required by Section 1402 (3) (d) of the Real Property Tax Law.
Carried.

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 12-2005 Tax Levy for 2005-2006.
Carried.

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 13-2005 Tax Warrant.
Carried.

MOTION by Trustee Smith, seconded by Trustee Schwingle to amend the current budget in the amount of \$34,500 to reflect the Skate Park grant, Phase II.
Carried.

MOTION by Trustee Smith, seconded by Trustee Schwingle to amend the current budget in the amount of \$24,606 for the Streetscape grant.
Carried.

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

The next Village/CSEA negotiation meetings are scheduled for Tuesday, May 17th and Tuesday, June 21st at 4:00 PM at 111 Elm Street, 2nd fl.

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

Last meeting was held today, Tuesday, May 10th at 4:00 PM, Village Hall, 2nd fl.

- A few issues discussed were:
- Recreation Director Doyle has been asked to implement a "carry in – carry out" trash policy at the Village's parks beginning June 1, 2005. This will save money spent by the Village on trash removal.
 - Director Doyle will inspect both parks' playground equipment instead of hiring KOMPANY, as done in prior years.
 - Several day trips are being planned for community residents, and ■ Parkitech will be at the skate park this Thursday at 10:00 AM.

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

Last meeting was Monday, April 25th at 7:00 PM in the Village Hall, Room210
No report

AD HOC BUILDING COMMITTEE: D. Marchionda, Jr., Chair

The last meeting was Tuesday, April 19th at 7:00 PM in the Village Hall, 111 Elm St., 2nd fl.

Majed El Rayess of Kohlstaedt & Fredrickson Architects has recommended the following bids to be awarded for Phase III Fire Hall Additions and Renovations:

Contract I – General Trades Contractor – Bouley Associates	\$ 655,000
Contract II – Mechanical Contractor – Amering and Johnston	161,700
Contract III – Electrical Contractor – Blackmon-Farrell	80,900
Total Construction Cost:	\$ 898,100

Plus other alternates, per attached list.

The contracts will be thoroughly reviewed by the Public Safety, Public Works and Finance Committees.

Mayor Marchionda is scheduling an Ad Hoc Building Committee meeting for Thursday, May 19th at 7:00 PM, Village Hall, Room 202.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize payment for *Application No. 11* in the amount of \$11,857.60 to Blackmon-Farrell Electric for Phase II Village Hall/Police Station.
Carried.

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

Old Business:

The issue of erecting signage on Elm and Court Streets to direct people to Saint Michael's School has not been completely resolved. CEO Lyon will have to direct the placement of the signs, according to code, before the school can put them up.

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

The meeting scheduled for Monday, May 16th at 1:00 PM is canceled.

Streets:

The sealed bids, opened at 3:30 PM today, for purchasing supplies and materials by the Village and the Municipal during the 2005- 2006 fiscal year were awarded as follows:

MOTION by Trustee Allison, seconded by Trustee Koek to accept the *Ready Mix Concrete* bid from Hanson Aggregates NY, Inc. per their quotation, kept on file in the Village Clerk's Office. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to accept the *Gasoline, Fuel Oil & Kerosene* bids from both Stewart P. Wilson, Inc. (Lakes Gas) and Ira Wyman Fuels per their quotations, also on file in the Village Clerk's Office. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to accept the *Hot Mix Bituminous* bids from both Blades Construction Products Corp. and Hanson Aggregates NY, Inc. per their quotations on file in the Clerk's Office. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to accept the bid for *Hauling of Materials* from Long Milk Hauling & Trucking per their quote, also on file in the Clerk's Office. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Street Superintendent Randy Jensen attending the annual NYS Cornell Local Roads School in Ithaca, NY on June 6th and 7th. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the advertising for seal bids to pave certain Village streets. Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to advertise *for sale* DPW Truck #1, a 2003 Ford pick-up, and plow. A replacement truck will be purchased on State bid. Carried.

Street Superintendent Jensen informed the Board that the Street Department is almost finished with the spring pick-up. He also announced that the new trash receptacles and benches purchased through the StreetScape Grant have arrived. The Street Department will place them in the Village tomorrow. The banners, also purchased by this grant, have been up on the light poles for a few weeks and they look very nice. The historical lights will be erected in the near future.

Trustee Allison is concerned that because Time Warner has purchased Adelphia, which includes the Village's cable system, a meeting should be called to negotiate a new contract for continuing the franchise fees previously paid by Adelphia.

MUNICIPAL:

The last meeting was Thursday, May 5th at 2:00 PM in the Village Hall, 2nd fl.

MOTION by Trustee Allison, seconded by Trustee Smith to officially add the position of *Electric Groundsperson* into the Electric Department; and per Article IV, post the position internally for seven days. Carried.

OTHER:

MOTION by Trustee Allison, seconded by Trustee Koek to hold a *Special Village Board meeting* on Tuesday, May 24th at 7:00 PM in the Village Hall, Room 202 for Amy Leisenfelder, Exec. Dir. of the Yates Cultural and Recreational Resources, Inc. to introduce a proposal to the Village. Carried.

ADJOURNMENT TO EXECUTIVE SESSION:

At 8:45 PM, MOTION by Trustee Koek, seconded by Trustee Allison to enter into *Executive Session* concerning a personnel matter. Carried.

At 9:20 PM, MOTION by Trustee Koek, seconded by Trustee Schwingle to adjourn the *Executive Session* and return to the regular meeting. Carried.

At 9:21 PM, MOTION by Trustee Koek, seconded by Trustee Taylor to adjourn the regular Village Board Meeting. Carried.

Linda K. Banach, Village Clerk

