

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, May 11, 2004 at 7:00 PM in the Maxwell Building, 127 Main Street, Penn Yan, New York.

PRESENT: Mayor D. Marchionda; Trustees N. Taylor, N. Koek, R. Schwingle, G. Smith and M. Christensen (joined the mtg. 7:30 PM); Street Supt. R. Jensen; Asst. DPW Director R. Osgood; Director of Public Works E. Balsley; Village Attorney E. Brockman; Village Treasurer Socola; Police Chief Hill; Recreation Director D. Doyle (joined the mtg. 7:15PM)

ABSENT: Trustee/Deputy Mayor W. Allison; CEO B. Lyon; Cemetery Superintendent Trenchard & Fire Chief Pallar

Public Attendees: Mrs. Armstrong, Anne Gunn, and Reid Jensen

News Media present: None

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

CALL FOR EXECUTIVE SESSION:

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

PUBLIC HEARING:

Mayor Marchionda opened the Public Hearing for the proposed Local Law C of 2004 entitled “Abandoned Vehicle Law of the Village of Penn Yan”. He asked if there were any comments at this time.....
The public hearing was left opened.....

MINUTES:

MOTION by Trustee Taylor, seconded by Trustee Smith to approve the minutes of the April 27, 2004 regular Board Meeting as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Reid Jensen, 106 Sunset Avenue, expressing his concern with the proposed rezoning of an area of Route 14A from R1 to GC that is located behind his home. He questioned what a “well defined buffer” consisted of and who would have the authority to make the decision of what was a satisfactory buffer? The buffer would “be established to prohibit unwanted noise and light on the residences that abut these properties 365 days a year”. The Mayor explained that the rezoning is still in its beginning stages, as the Planning Board would have to approve the required a site plans before the Village Board would start to take action.

► The Mayor asked if anyone wished to comment regarding the Public Hearing being held for proposed Local Law C of 2004.....

MOTION by Trustee Koek, seconded by Trustee Schwingle to close the Public Hearing for the above mentioned local law entitled “Abandoned Vehicle Law of the Village of Penn Yan”. Unanimously Carried.

MAYOR:

Mayor Marchionda read a letter from an Attorney-In Fact for Mrs. Sarah Wren of Endicott, NY notifying the Village of her wish to contribute \$20,000, check enclosed, to Lakeview Cemetery. A “thank you” letter will be mailed from the Mayor and Trustees.

The Mayor mentioned that the Yates County Public Health Service has invited them to attend a meeting on June 4th to assess the effectiveness of the health system in the County.

MOTION by Trustee Koek, seconded by Trustee Schwingle to hold only one meeting in June, July and August 2004. They will be the fourth Tuesday - June 22nd , July 27th, and August 24th. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Schwingle to authorize the Mayor to sign the annual *Penn Yan Library Agreement* effective June 1, 2004 along with the budgeted payment of \$1,000. Unanimously Carried.

The letter from the Penn Yan Planning Board requesting the Village to consider rezoning four parcels along Route 14A south from R1 to GC was referred to Attorney Brockman for implementation.

ATTORNEY:

MOTION by Trustee Koek, seconded by Trustee Schwingle to adopt RESOLUTION NO. 25-2004 for Local Law No. 03-2004 (formerly known as Local Law C of 2004) entitled “Abandoned Vehicle Law of the Village of Penn Yan.” Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Smith to “un-table” the motion made at the March 23rd meeting authorizing the Mayor to sign the DVI Agreement. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Smith to authorize the Mayor to sign the current DVI Agreement.

Record of Vote:	Trustee Christensen	nay
	Trustee Koek	nay
	Trustee Schwingle	nay
	Trustee Taylor	nay
	Trustee Smith	nay

Motion defeated.

MOTION by Trustee Smith, seconded by Trustee Koek to request the Planning Board to examine the Brown Street zoning issues by review of the Master Plan. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Koek to request that the Planning Board examine whether additional provisions should be added to the zoning code, ie. definitions created for Planned Residential and Planned Business Districts. Unanimously Carried.

This issue of unpaid fees for *fire inspections* was changed to include unpaid *invoices* and referred to CEO Lyon and the Village Clerk to make a list any possible delinquent invoices.

Attorney Brockman informed the Board that by **not** annexing the Patchett property into the Village, makes the property taxable. If annexed, he believes the property would become tax-exempt. He suggested the Village go forward with annexation, creating an access road, and then re-zoning the property after annexation.

MOTION by Mayor Marchionda, seconded by Trustee Smith to refer the *snowmobile* issue to the Parks & Recreation and the Public Safety Committees for their review. Unanimously Carried.

CORRESPONDENCE:

- (1) Trustee Schwingle informed the Board that he has received communication from John Latchaw, owner of the Top of the Lake B&B, requesting permission to use the boat launch site for picking up and leaving off people to ride on his boat. A few questions need to be answered, and Attorney Brockman was asked to write Mr. Latchaw a letter asking for an exact plan for his boat rides.
- (2) Mayor Marchionda read a letter from resident, Paul Birmingham, sent to Cemetery Superintendent Stan Trenchard, thanking him for helping with the research he was conducting. He informed Stan that “the Village of Penn Yan can be proud to have such a caring employee.”

AUDIT:

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

Village:	Paid before audit: General	80.00
	Paid before audit: Capital (Vill. Off. Bldg.)	131,813.00
	General Fund	8,517.70
	Capital – CHIPS	7,720.85
	Capital – (Vill. Off. Bldg.)	10,323.30

Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith, Chair

Last meeting was held this afternoon at 2:30 PM in the Village Office.

MOTION by Trustee Smith, seconded by Trustee Koek to adopt RESOLUTION NO 22-2004 AMENDED MAKE DETERMINATIONS required by Section 1402 (3) (a) of the Real Property Law. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Schwingle to adopt RESOLUTION NO. 23-2004 AMENDED 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 \$14.235504, the Town of Jerusalem at \$19.516609 and the Town of Milo at \$16.362715. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Koek to adopt RESOLUTION NO. 24-2004 AMENDED TAX WARRANT for the Village to collect \$199,302.51 from the Town of Benton, \$47,341.34 from the Town of Jerusalem and \$1,836,341.30 totaling \$2,082,985.15 which includes relieved delinquent water, sewer and DPW charges. Unanimously Carried.

At this time, Trustee Smith introduced Mark A. Socola, the new Village Treasurer; and the Mayor welcomed Mark on behalf of the entire Board.

PERSONNEL: N. Koek, Chair

No report

PARKS & RECREATION – R. Schwingle, Chair

The next meeting is scheduled for Wednesday, May 19, 2004 in the PY Middle School, Room 229, at 4:00 PM.

The “Sarrasin’s” issue will be discussed at the May 19th Committee Meeting, as well as the proposed annual maintenance inspection agreement from KOMPANY.

Trustee Schwingle informed the Board that the Penn Yan Keuka Lake Triathlon Director would like to use Indian Pines Park exclusively on Sunday, June 13, 2004. Following a discussion.....

MOTION by Trustee Schwingle, seconded by Trustee Koek to allow them to use Indian Park, but the park cannot be closed to the public. However, it is agreeable with Chief Hill for vehicle traffic to be restricted on Olds Pines Trail and Ritchey Boulevard during the race. Unanimously Carried.

PLANNING & DEVELOPMENT: M. Christensen

The next meeting is scheduled for Monday, May 24th in the Village Office at 7:00 PM.

Committee has not met since the last Village Board meeting.

AD-HOC BUILDING COMMUNITY: D. Marchionda, Chair

Mayor Marchionda set the next meeting to be held on Wednesday, May 19th, at 6:00 PM in the Village Office. The Mayor also reported that the V.F.W. Post 745, the American Legion Post 355 and the American Veterans Post 1941 have offered to purchase a flag pole and flag to be erected on Elm Street in front of the new Village Office. Asst. Director of Public Works Osgood gave a construction progress report.

PUBLIC SAFETY: N. Taylor, Chair

The next meeting will be held on Thursday, May 20th at noon in the Wagner Inn, if necessary.

Police Department:

No report

Fire Department:

No report

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Christensen to waive the permit fees to St. Paul's Church for the demolition of two houses. However, they will pay permit fees for the actual construction. Unanimously Carried.

Trustees Koek and Christensen volunteered to join Code Enforcement Officer Lyon and part time CEO Hofschneider as voting representatives to the International Code Council (ICC) Member list.

PUBLIC WORKS: W. Allison, Chair

The next meeting is scheduled for Monday, May 17th at 1:00 PM in the Village Office, 2nd floor.

Streets:

As advertised, sealed bids to purchase supplies and material to be used by the DPW and the MUB from June 1, 2004 to May 31, 2005 were opened this afternoon at 3:30 PM. The bids will now be referred to committee for review.

MOTION by Trustee Smith, seconded by Trustee Schwingle to approve Street Supt. Jensen attending the Cornell Local Road & Highway School in Ithaca, NY on June 7th and 8, 2004. Unanimously Carried.

Street Supt. Jensen reported that Lake Street is scheduled to be paved this Friday. He thanked everyone for their cooperation and patience. He also thanked the Townships of Benton, Jerusalem, Milo and Torrey for their help with the project. He announced spring pick-up will begin again on Monday, but will be ending soon.

Cemetery:

No report

MUNICIPAL:

MOTION by Trustee Christensen, seconded by Trustee Koek to "un-table" the motion made at the March 23rd Village Board Meeting, "to approve the bid that the Municipal accepted from Land Surveyor David Anderson in the amount of \$1,500 to \$1,700, to prepare a topographic survey of approx. 30 acres of the recently purchased Patchett property". Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Schwingle to authorize the Municipal to accept Land Surveyor David Anderson's bid for the above mentioned project. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Schwingle to approve Payment No. 6 in the amount of \$8,987.51 to T-R-T Masonry for work completed on the Lake Street/Commercial Avenue Water Main project. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Schwingle to authorize payment in the amount of \$50,080.56 to T-R-T Masonry for work completed on the Cornwell, East Elm, Walnut and Grace Streets, Country Court and Florence Avenue Sanitary Sewer project. Unanimously Carried.

At 8:20 PM, MOTION by Trustee Taylor, seconded by Trustee Christensen to adjourn into *Executive Session* concerning personnel matters. Unanimously Carried.

(At this time, the Village Clerk was excused)

At 9:15 PM, MOTION by Trustee Taylor, seconded by Trustee Smith to adjourn the Executive Session and return to the Regular Board meeting. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Smith to authorize Village Attorney Brockman to appoint or hire special prosecutor(s) when he deems necessary. Unanimously Carried.

At 9:16 PM, MOTION by Trustee Taylor, seconded by Trustee Christensen to adjourn the regular meeting. Unanimously Carried.

Linda K. Banach, Village Clerk

*Next Village Board meeting is scheduled for May 25, 2004 at 7:00 PM in the Maxwell Building.

