

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, May 25, 2004 at 7:00 PM in the Maxwell Building, 127 Main Street, Penn Yan, New York.

PRESENT: Mayor D. Marchionda; Trustees N. Koek, W. Allison, N. Taylor, R. Schwingle, and G. Smith; Street Supt. R. Jensen; Director of Public Works E. Balsley; Village Attorney E. Brockman; Village Treasurer Socola; Recreation Director D. Doyle and CEO Lyon

ABSENT: Trustee M. Christensen; Asst. Director of Public Works Osgood; Police Chief Hill; Cemetery Superintendent Trenchard & Fire Chief Pallar

Public Attendees: Mrs. Armstrong, Anne Gunn, Art Bechhoefer and Bob Hawley

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 7:03 PM and led the Pledge Allegiance to the Flag.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Koek, seconded by Trustee Schwingle to hold an *Executive Session* at the end of the meeting concerning public safety and proposed litigation matters. Unanimously Carried.

MINUTES:

MOTION by Trustee Koek, seconded by Trustee Taylor to approve the minutes of the May 11, 2004 regular Board Meeting as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Art Bechhoefer, 1128 East Bluff Drive re: he believed the Village had already signed an agreement with DVI, because he had read the following news release, “ With approval from the town council, Penn Yan reached an agreement with Data Ventures Inc., a BPL service provider, in which the Muni will receive 10% of any revenue generated from commercial sales Balsley said.” Mayor Marchionda informed Mr. Bechhoefer that the Village has **not** signed an agreement with DVI. In fact, the proposed first agreement, and the proposed current agreement, are not acceptable, and therefore, the Village is a long way from signing. Mr. Bechhoefer asked if the Village intended to RFP other companies? The Mayor answered that he thought it might be a good idea but was not sure at this time. Mr. Bechhoefer suggested that the Village should put it out to bid.

Bob Hawley, 26 Champlin Avenue presented a question to the Mayor and the Trustees that he wanted on record..... He wanted to know if anyone on the Village Board has invested in Data Ventures, Inc. Although the Mayor believed his question to be immaterial, the Mayor made it perfectly clear that he was not financially involved with DVI.

MAYOR:

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize the Mayor to sign the *Multi-Modal #3 Program Capital Agreement* for the amount of \$30,000 per RESOLUTION NO. 26-2004 with regard to the reconstruction, including curbing and paving, of Lake Street from Brown Street to East Main Street. Unanimously Carried.

ATTORNEY:

Attorney Brockman informed the Board that a meeting was held on May 20th in the Village Office to discuss Bob Hawley’s FOIL Appeals, and that the decision process is still in the works. The Committee included Trustee N. Koek as Chair and Trustees Taylor and Schwingle.

MOTION by Trustee Smith, seconded by Trustee Taylor to modify last meeting’s motion to read: “the *Village Board of Trustees* will appoint or hire special prosecutor(s) at the Village Attorney’s recommendation”. The Board hired Jason Cook to handle actions where conflicts may exist. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Koek for the Village to establish a policy that all insurance certificates for all construction projects be forwarded to the Village’s insurance agent for their approval. Unanimously Carried.

Attorney Brockman informed the Board that the request from the Planning Board for the Village to rezone 4 parcels of land along Route 14A from R1 to GC will proceed accordingly after the 4 land surveys have been received.

CORRESPONDENCE:

Mayor Marchionda read a letter from Y.C. Genealogical and Historical Society extending their thanks and appreciation to the Village for their help in creating the expanded parking area for the new Museum complex.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize the Mayor to sign the INDEMNIFICATION AGREEMENT renewal from Yates County. This agreement is for two years. Unanimously Carried.

Mayor Marchionda read a letter received from the Mayor of the Village of Goshen requesting any thoughts, anecdotes or suggestions that might help them in their pursuit of a Certified Local Government Designation. Some research will have to be conducted in order to assist them.

MOTION by Trustee Allison, seconded by Trustee Schwingle to grant approval to Facelift, Inc. for his schedule to close Maiden Lane while he works on the wall at 142 Main Street. Unanimously Carried.

AUDIT:

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

Village:	General Fund	24,819.94
	Comm. Dev.	250.00
	Capital CHIPS	20,594.62
	Capital (Vill Off Bldg)	21,958.13
Municipal:	Paid before audit – Electric	51,119.01
	Water	541.81
	Sewer	90.00
	Electric	196,518.87
	Water	27,335.08
	Sewer	19,062.79
	Capital – Water	1,135.46
	Sewer	56,912.91

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 Allison to adopt RESOLUTON NO. 27-2004 Year End Transfers in the amount of \$8,710.00. Unanimously Carried.

Trustee Smith announced that Treasurer Socola has made a great transition, and everything is moving along well.

PERSONNEL: N. Koek, Chair

Because we have already lost two previously hired summer employees.....

MOTION by Trustee Koek, seconded by Trustee Smith to hire two more summer employees to fill the void.

Unanimously Carried.

PARKS & RECREATION – R. Schwingle, Chair

Last meeting was held on Monday, May 24th at 4:30 PM in the Village Office.

MOTION by Trustee Schwingle, seconded by Trustee Allison to hire Kori Champlin and Jeremy Bozzelli as playground leaders for the summer season. Unanimously Carried.

Old Business.....

MOTION by Trustee Schwingle, seconded by Trustee Koek to grant permission for Sarrasin’s Restaurant to use a small portion of Red Jacket beach to hold a September 25th wedding ceremony, and to authorize the Mayor to execute a “hold harmless” agreement when prepared by Village Attorney Brockman. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Taylor to approve payment in the amount of \$300.00 to KOMPANY for the annual maintenance inspection of the Red Jacket playground equipment. Unanimously Carried.

PLANNING & DEVELOPMENT: M. Christensen

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

AD-HOC BUILDING COMMUNITY: D. Marchionda, Chair

The last meeting was held on Wednesday, May 19th, at 5:30 PM in the Village Office.

The three final proposals for the combination lightening rod/sculpture designed to be placed on top of the dome of the new Village Building are: Mother Earth of the Finger Lakes by Don Sottile for \$8,850 (down from \$11,850), a life size of “the grapevine” by Sam Castner for \$3,500, and a replica of the Village of Penn Yan logo (Pennsylvania/Yankee) for \$2,600. They are all beautiful. The Mayor exclaimed once again how exciting it is to have this much local talent.

PUBLIC SAFETY: N. Taylor, Chair

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

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Allison to reaffirm approving CEO Lyon attending the Simpson Strong-Tie seminar on May 20th in West Henrietta, NY. Unanimously Carried.

MOTION by Trustee Taylor, seconded by Trustee Koek to authorize the CEO Lyon to have the lawn mowed at 314 Court Street, per section 56-5 of the Code of the Village of Penn Yan. The cost will be added to the 2005-2006 tax roll. Unanimously Carried.

PUBLIC WORKS: W. Allison, Chair

The meeting scheduled for Monday, May 17th was postponed to Tuesday, June 1st at 1:00 PM in the Village Office, 2nd floor. ← date may be changed again

Old Business.....

The request by Mary Heinonen last November to plant a small memorial garden and place a small sign at the “5 Points” in honor of Pat Baker has been re-submitted by Gerald Kernahan, formerly employed with the NYS Department of Transportation. The matter is still under scrutiny by the Village Board and Village Attorney. Trustee Koek volunteered to call Mr. Kernahan to discuss this further.

Streets:

MOTION by Trustee Allison, seconded by Trustee bids to accept all bids to purchase supplies and material to be used by the DPW and the MUB from June 1, 2004 to May 31, 2005, as follows:

#1	Ready Mix Concrete	Hanson Aggregates, 131 Garfield Avenue	
	3500 lb mix	\$75.00	
	4000 lb mix	\$78.00	
	3500 lb mix with fiber	\$81.00	
	4000 lb mix with fiber	\$84.00	
	Flowable fill	\$34.50	
#2	Gasoline, Fuel Oil & Kerosene	Stewart P. Wilson, Inc., Watkins Glen (location - Lakes Gas, Lake St., Penn Yan)	
	High Test Gas – 93 Octane	\$1.601 tax free	
	Regular Gas – 87 Octane	\$1.501 tax free	
	Diesel Fuel (LSDF)	\$1.278 tax free	
#2	Gasoline, Fuel Oil & Kerosene	Ira Wyman Fuels, 366 Clinton St	
	Unleaded – 89 Octane	\$1.56052 tax free (delivered)	
	Regular Gas – 87 Octane	\$1.52063 tax free (delivered)	
	Diesel Fuel – low sulfur	\$1.2692 tax free	
	high sulfur	\$1.2407 tax free	
	Kerosene	\$1.3587 tax free	
#3	Hot Mix Bituminous	Hanson Aggregates New York, Inc., Oaks Corners	
	Type 7 Base – top	\$30.00	
	Type 6 – top	\$29.00	
	Type 3 – binder	\$26.50	
	Fine Binder	\$26.50	
#4	Hauling of Materials	Long Milk Haulers, Inc.	
	0-25 miles	\$2.89 standard	\$3.89 Gabion (per ton)
	0-35 miles	\$3.90 “	\$4.90 “
	0-45 miles	\$4.90 “	\$5.90 “
	0-50 miles	\$5.90 “	\$6.90 “
	50 miles & over	\$6.90 “	\$7.90 “
#4	Hauling of Materials	T-R-T Masonry, Inc.	
	0-25 miles	\$2.70 standard	\$3.70 Gabion (per ton)
	0-35 miles	\$3.70 “	\$4.70 “
	0-45 miles	\$4.70 “	\$5.70 “
	0-50 miles	\$5.70 “	\$6.70 “
	50 miles & over	\$6.70 “	\$7.70 “

Unanimously Carried.

The reconstruction, including repaving and curb replacement, on Lake Street between Brown and East Main Streets is now 99% completed and looks great – a job well done! The Village has applied for funds in the amount of \$30,000 from the Multi Modal #3 Project administered by the NYS DOT to reimburse some of the Village’s cost.....

MOTION by Trustee Allison, seconded by Trustee Taylor to apply for funding from the next State Multi-Modal program to use toward the Walnut and East Elm Streets projects. Unanimously Carried.

Street Superintendent Jensen announced that Thursday, May 27th would be the last day for spring pick-up.

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Koek to reaffirm the approval given to sell the Municipal’s 2002 New Holland TN65 front-end loader tractor for \$22,100 to Tim McMichael. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve the MUB’s purchase of a new Bobcat S250 Skidsteer Loader from Jennings Tractor in Fairport, not to exceed \$26,000 (a final cost of approximately \$3900). Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the Mayor to sign *Change Order No. 1* prepared by Assistant Director of Public Works Osgood, and signed by Peter Townsend. The final Sanitary Sewer project cost of \$193,026.47 is \$794.53 less than anticipated. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve up to five people, including DPW Director Balsley, Crew Chief Bodine and Senior Line Worker King, to attend the June 17th MEUA Regional Meeting. Don King will be presented an award for his 20 years of service with the Electric Department. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize Mayor Marchionda to sign the *Walnut Street and Florence Avenue Water Main Improvements* contract with Western New York Contractors, Rochester, NY, at a cost of \$201,115.00. Unanimously Carried.

At 8:01 PM, MOTION by Trustee Koek, seconded by Trustee Taylor to adjourn into *Executive Session* concerning public safety and proposed litigation matters. Unanimously Carried.

(15 minute break)

At 8:49 PM, MOTION by Trustee Schwingle, seconded by Trustee Smith to adjourn the Executive Session and return to the Regular Board meeting. Unanimously Carried.

At 8:50 PM, MOTION by Trustee Allison, seconded by Trustee Koek to adjourn the regular meeting. Unanimously Carried.

Linda K. Banach, Village Clerk

*Next Village Board meeting is scheduled for June 22, 2004 at 7:00 PM in the Maxwell Building.

