

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, June 13, 2006 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda, Jr.; Trustees N. Taylor, W. Allison, R. Dailey and R. Hoban; MUB Chair R. French; Village Treasurer M. Socola; Village Attorney E. Brockman; Police Chief S. Hill; Recreation Director D. Doyle; Director of Public Works E. Balsley; Asst. DPW R. Osgood and CEO B. Lyon

**ABSENT:** Trustee M. Christensen (joined the mtg. at 9:05 PM), Trustee N. Koek, Street Superintendent R. Jensen, Cemetery Superintendent L. Axtell, and Fire Chief J. House

Public Attendees: Larry & Marion Strickland, Bob Champlin, Dave Simmons, Mrs. E. Armstrong and others

News Media present: Gina Muscato, Finger Lakes Times and Gwen Chamberlain, Dundee Observer

Mayor Marchionda called the meeting to order at **7:10PM** (following the 6:00 PM Special Meeting with Conifer), and led the Pledge Allegiance to the Flag.

**PUBLIC HEARING:**

At 7:11 PM, MOTION by Trustee Allison, seconded by Trustee Taylor to open the public hearing, as advertised, for the proposed Keuka Lake Uniform Docking and Mooring Law. Carried.

Mayor Marchionda asked for any comments.....

Asst. Director of Public Works, Richard Osgood, stated that he is deeply concerned that the boundary of the lake, at the mouth of the Keuka Outlet, has not been legally defined in this law. And, also that the outlet should be exempt from the K L U D & M Law. These stipulations should be interpolated into the legislation before agreeing to the law. It was decided to discontinue this public hearing in order to allow time for the Village's conditions to be written into the law.

At 7:24 PM, MOTION by Trustee Allison, seconded by Trustee Dailey to close this public hearing concerning the proposed regulations for the KLUD & M Law. Carried.

Attorney Brockman informed the Board that if changes were made to the proposed law, another public hearing would have to be held as well as another referral to the Yates County Planning Board.

MOTION by Trustee Hoban, seconded by Trustee Dailey to advertise to hold a public hearing on Tuesday, July 11, 2006 at 7:00 PM for the *revised* Keuka Lake Uniform Docks & Mooring Law. Carried.

**EXECUTIVE SESSION:**

MOTION by Mayor Marchionda, seconded by Trustee Allison to hold an *executive session* at the end of the regular meeting regarding a personnel matter. Carried.

**MINUTES:**

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the minutes of the May 9, 2006 regular Village Board meeting, as submitted. Carried.

MOTION by Trustee Dailey, seconded by Trustee Hoban to approve the minutes of the May 30, 2006 special Village Board meeting, as submitted. (Trustee Allison abstained from voting) Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

At the May 9<sup>th</sup> meeting, Bob Champlin, proprietor of Lloyds' Limited, A Pub, 3 Main Street presented plans to hold the 2<sup>nd</sup> annual "Blues Festival" on Saturday, July 29<sup>th</sup>. The Village Police Chief, the Village Attorney and the Village Board were not satisfied with the original plans. Mr. Champlin was asked to prepare a more detailed and safer plan along with making adjustments for code requirements, and to submit it again to the Board. A motion was made and seconded to "approve Mr. Champlin holding the "Blues Festival" *with the stipulation* that he presents the requested information to the Public Safety Committee by June 1<sup>st</sup>". Tonight, Mr. Champlin presented the requested updated plan.....

MOTION by Trustee Allison, seconded by Trustee Dailey to approve Mr. Champlin's revised plan, and for the Village to issue a permit for this event. Carried.

**CORRESPONDENCE:**

The letter received from Gary Smith, 143/145 East Main Street, requesting reimbursement from the Village for the "removal of large limbs from Locust in front of house, trim and raise up Maple in back of house and grind stump", was referred to the Finance Committee and Attorney Brockman.

The letter received from the Town of Milo Supervisor Norman A. Snow, requesting a handicap parking space in front of their office at 137 Main Street, was referred to the Public Safety Committee and Police Chief Hill.

**MAYOR:**

The PY Planning Board is submitting the completed Part 1 of the SEQR for amendments to the signage code Chapter 202-64, as requested by the Village Board.....

MOTION by Trustee Hoban, seconded by Trustee Allison to accept Part 1 of the SEQR mentioned above, and to direct the Village Attorney to commence with the local law procedure. Carried.

MOTION by Trustee Dailey, seconded by Trustee Taylor to approve the Mayor's appointment of Robin R. Morse, Deputy Clerk, as the Registrar of Vital Records for the Village of Penn Yan, effective August 7, 2006 to April 2008.

Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Mayor to sign the Agreement with the Penn Yan Fire Department, in the amount of \$42,500, for the fiscal year of June 1, 2006 to May 31, 2007. Carried.

MOTION by Trustee Allison, seconded by Trustee Dailey to authorize the Mayor to sign the Agreement with the Penn Yan Public Library, in the amount of \$1,000, for the fiscal year of June 1, 2006 to May 31, 2007. Carried.

Mayor Marchionda informed the Board that he believes there may be some misunderstanding with regard to the duties of "Trustees". He reviewed a few of the duties as stated in the NYCOM Handbook for Officials. He also made it perfectly clear that there would not be any micromanaging of Village employees, and he would not tolerate any *personal agendas*. For example, Trustees do not have the authority to cancel any meeting that he /she is not the Chair.

**ATTORNEY:**

On December 29, 2005 an accident took place on East Elm Street involving a truck owned by D & B Truss Co, Inc. The truck caught a Christmas decoration that was attached to one of the Village's light pole and proceeded to pull the pole over. The insurance company will pay only \$2,000 of the approximate cost of \$2,400 to replace the light pole.....

MOTION by Trustee Allison, seconded by Trustee Taylor to accept the \$2,000 without further action. Carried.

MOTION by Trustee Allison, seconded by Trustee Hoban to direct Attorney Brockman to enter into a revocable agreement with Knapp & Schlappi for an easement concerning the Village's property known as the "firemen's field". Carried.

Attorney Brockman advised the Board that when dealing with easements, it is crucial to know the legal owners of said property. The best way to determine ownership is to obtain an abstract each time. There would be a cost to the Village of approximately \$100, but no more than \$200 for each abstract. The Mayor referred this matter to the Public Works Committee and the Municipal Utilities Board for their review.

Following discussion, MOTION by Trustee Allison, seconded by Trustee Dailey to authorize the Mayor to sign the NYS DEC Consent Order in regard to the quality of water being discharged from the Wastewater Treatment Plant and also, to authorize payment of \$1,500 for the penalty fee. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt RESOLUTION NO. 25-2006 Handicap Ramp at 132 Main Street. Carried.

**AUDIT:**

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

Village:	Paid before audit – General Fund	241.29	
	General Fund	<u>37,388.40</u>	
	Total Village audit:	37,629.69	
Municipal:	Paid before audit – Electric	22,483.60	
	Paid before audit – Water	295.88	
	Paid before audit – Sewer	493.12	
	Electric Fund	16,585.55	
	Water Fund	5,233.21	
	Sewer Fund	5,092.71	
	Capital Electric	2,700.92	
	Capital Water	<u>79,171.00</u>	
	Total Municipal audit:	132,055.99	Carried.

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

Last meeting was today, Tuesday, June 13, 2006 at 2:30 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> fl.

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt RESOLUTION NO. 24-2006 Application for Senior Citizen exemption erroneously omitted on Helen DeBuck's 2006 Village Tax bill. The exemption amounts to the Village receiving \$300.34 less. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to direct the Village Treasurer to put the money (approximately \$47,000) from the sale of the Owls Nest Building at 112 Seneca Street, into a "building reserve" fund. Carried.

The Finance Committee, at this afternoon's meeting, discussed Gary Smith's request to be reimbursed for paying a private contractor to do tree work. The Committee decided that his circumstances were no different than numerous others in the Village, as the crews get to the tree work as soon as they can.....

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Mr. Smith's request as stated above.

Record of vote:	Mayor Marchionda	nay	
	Trustee Allison	nay	
	Trustee Taylor	nay	
	Trustee Dailey	nay	
	Trustee Hoban	nay	Motion defeated.

Treasurer Socola informed the Board that he received a "Telecommunications Action Alert" news release from GFOA requesting that municipalities contact their local representatives to vote "no" on the Communications, Promotion and Enhancement Act of 2006.....

MOTION by Trustee Dailey, seconded by Trustee Taylor to write a letter to our representatives: US Congressman R. Kuhl, NYS Senator G. Winner, and NYS Assemblyman J. Bacalles to urge them not to support the abovementioned "Act", by voting NO! Carried.

Village Treasurer Socola informed the Board that Rick Wilson, who is updating the Village's zoning map, would have a draft prepared by next week for the Board's review.

While discussing the request from the Fire Department to purchase a new truck, it was decided that Yates County should be asked to contribute to the Village Fire Department's budget, as specialized (and expensive) equipment is needed for fire coverage at the County Airport. Treasurer Socola will write a letter to the County Administrator and Legislature.

**PERSONNEL:** M. Christensen, Chair, N. Taylor & R. Hoban

The last meeting was held yesterday, Monday, June 12<sup>th</sup> at 4:00 PM in the Village Hall, Room 210

CEO Lyon informed the Board that Rob Hofschneider, the part-time code enforcement officer has verbally resigned, effective June 30<sup>th</sup>.

FYI: Dates and times have been scheduled for following CSEA issues: Monday, June 26<sup>th</sup> at 3:00 PM as been set for the Roberts grievance, and 4:00 PM for the Yonts contract matter.

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

The last meeting was held today, Tuesday, June 13<sup>th</sup> at 4:00 PM in the Village Hall, 2<sup>nd</sup> floor

MOTION by Trustee Dailey, seconded by Trustee Allison to re-hire Katie Gates (at \$8.39 hr.), and hire Sarah Traphagan (at \$8.17hr.), both as lifeguards for the 2006 summer season. Carried.

MOTION by Trustee Dailey, seconded by Trustee Allison to ask the Board for a "blanket" approval for all the summer camps and clinics sponsored, or co-sponsored, by the Village Recreation Department and Committee. Carried.

MOTION by Trustee Hoban, seconded by Trustee Dailey to appoint Colby Petersen as a member to the Parks and Recreation Committee/Commission, effective immediately. Carried.

Recreation Director Doyle announced the following:

- (1) There will be a "community build" for the skate park beginning at 2:00 PM on Tuesday, June 27<sup>th</sup> at the boat launch.
- (2) The playground program will begin on Monday, July 10<sup>th</sup>.
- (3) The next Parks and Recreation meeting is scheduled for Tuesday, July 11<sup>th</sup> at 4:00 PM in the Village Hall, 2<sup>nd</sup> fl.
- (4) The Finger Lakes Boating Museum would like to sponsor a "row-a-boat" program using a portion of the Village's undeveloped property adjacent to Indians Pines Park on the outlet. This project will be referred to the Planning Board for their review.

**PLANNING & DEVELOPMENT:** R. Hoban, Chair, M. Christensen & R. Dailey

The next meeting is scheduled for Monday, June 26<sup>th</sup> at 7:00 PM in the Village Hall

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

The Mayor announced that the "old Village Office" building on Maiden Lane no longer exists. It has been demolished, mostly by in-house crews, who have done a great job, and very quickly, too. The space will be used for more parking.

**PUBLIC SAFETY:** N. Taylor, Chair, M. Christensen & R. Dailey

The last meeting was Monday, June 12<sup>th</sup> at 5:00 PM in the Village Hall, Room 107

**Police Department:**

MOTION by Trustee Taylor, seconded by Trustee Allison to adopt RESOLUTION NO. 23-2006 National Incident Management System (NIMS). Carried.

MOTION by Trustee Taylor, seconded by Trustee Allison to hire Kristy Pedder as a part-time Parking Enforcement Officer at \$7.50 an hour. Carried.

MOTION by Trustee Taylor, seconded by Trustee Allison to hire Gordon DeWind as a part-time Police Officer at \$13.21 an hour. Carried.

Chair Taylor announced that the Account Clerk-Typist position in the Police Department would be vacant after July 14<sup>th</sup>.

**Fire Department:**

The Fire Department has inquired as to when the specs will be forthcoming for the firehouse elevator. Chair Taylor informed the Board that 3 overhead doors and 2 side doors also need to be replaced. It was suggested to contact another architecture firm to proceed with the firehouse repairs/renovations, as Kohldstaedt & Fredrickson have not replied to the Village's many phone calls. However, technically, K & F did fulfill their contract, but the cost for the firehouse renovations were too high.

MOTION by Trustee Allison, seconded by Trustee Taylor to put the old Police Station on Basin Street up for sale.....

DISCUSSION: First, it was noted that the building would have to be declared as surplus property. Then, Mayor Marchionda voiced his opposition to advertising at this time, as he is unsure where the Village Court will eventually be re-located. Basin Street could be one of the options, although it would be very expensive to renovate.....

Trustee Allison withdrew his motion.....

**PUBLIC WORKS:** W. Allison, Chair; N. Koek & R. Hoban

The next meeting is scheduled for Monday, June 19<sup>th</sup> at 1:00 PM in the Village Hall, 2<sup>nd</sup> fl.

**Streets:**

Asst. Director of Public Works informed the Board that a letter was received from the YC Chamber of Commerce thanking them for "a job well done on the recent Main Street Water Main project". The project was completed on time, and with only minimal distress to the retail community. ADPW Osgood thanked Trustee Allison for his time and effort spent on this project. Trustee Allison thanked ADPW Osgood for his expertise, time and effort that he spent on the project.

Cemetery:

The request from Cemetery Superintendent Axtell for the Village Board to consider permanently closing the *Court Street* gate was not recommended by the Public Safety and Public Works committees.....

MOTION by Trustee Taylor, seconded by Trustee Allison to permanently close the cemetery gate at Court Street.

Record of vote:	Mayor Marchionda	nay	
	Trustee Taylor	nay	
	Trustee Allison	nay	
	Trustee Dailey	nay	
	Trustee Hoban	nay	Motion defeated.

MUNICIPAL:

The last meeting was Thursday, June 8, 2006 at 2:00 PM at 111 Elm St, Room 210

MOTION by Trustee Allison, seconded by Trustee Dailey to authorize the Municipal and Personnel Committee to set up and conduct interviews from *the eligibles list* for the position of Water Treatment Plant Operator. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Municipal to advertise for sealed bids for a new tractor/loader to be used at the Wastewater Treatment Plant. Carried.

9:05 PM, Trustee M. Christensen joined the meeting.

MOTION by Trustee Allison, seconded by Trustee Hoban to direct Attorney Brockman to write a revocable agreement with the Agricultural Society in order for them to be exempt from paying sewer fees (except for restrooms) and to have a “water only” meter installed for the main grounds. Carried.

Asst. Director of Public Works Osgood stressed how important it is to identify and address the I & I issues in the Village. Letters to residents need to be mailed as soon as possible informing them of this serious problem, and that inspections will be forthcoming.

ADJOURNMENT INTO EXECUTIVE SESSION:

At 9:20 PM, MOTION by Trustee Allison, seconded by Trustee Dailey to adjourn into Executive Session regarding a personnel matter. Carried.

(10-minute break)  
(the Village Clerk was excused)

ADJOURNMENT OF EXECUTIVE SESSION & REGULAR MEETING:

At 11:10 PM, MOTION by Trustee Christensen, seconded by Trustee Taylor to adjourn the executive session and the regular Village Board meeting. Carried.

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Linda K. Banach, Village Clerk

ANNOUNCEMENTS:

► The next *Regular* Village Board Meeting is scheduled for Tuesday July 11<sup>th</sup>.