

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, June 14, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees W. Allison, N. Taylor, G. Smith, and M. Christensen; Director of Public Works E. Balsley; Village Treasurer M. Socola; Village Attorney E. Brockman; Street Superintendent R. Jensen, Police Chief S. Hill; Recreation Director D. Doyle; CEO B. Lyon and Fire Chief J. Housel

ABSENT: Trustees N. Koek and R. Schwingle, Cemetery Superintendent L. Axtell Lyon, and Asst. Director of Public Works R. Osgood

Public Attendees: Bill McEvily, Bill & Nancy Kays, Rich Stewart, Mrs. Elizabeth Armstrong and Anne Gunn

News Media present: Gina Muscato, Finger Lakes Times

Mayor Marchionda called the meeting to order at 7:00PM and led the Pledge Allegiance to the Flag.

EXECUTIVE SESSION:

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

MINUTES:

MOTION by Trustee Christensen, seconded by Trustee Smith to approve the minutes of the May 10, 2005 regular Village Board meeting, as submitted. Carried.

MOTION by Trustee Christensen, seconded by Trustee Allison to approve the minutes of the May 24, 2005 special Village Board meeting, as submitted. Carried.

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. This issue was deferred to the July 12th meeting.

The Mayor received a letter from the Penn Yan Planning Board stating that they do not have the expertise to prepare part I of the full EAF relative to the rezoning of 6.877 acres on the west side of Route 14A. They are referring it back to the Village Board.....

MOTION by Trustee Allison, seconded by Trustee Christensen to table this issue until the July 12, 2005 Village Board meeting. Carried.

ATTORNEY:

MOTION by Trustee Allison, seconded by Trustee Taylor to adopt RESOLUTION NO. 14-2005 regarding service by the Penn Yan Police Department of civil process and notices issued from Village Departments and Offices. Carried.

Attorney Brockman gave an update of the following matters:

- (1) The feasibility study of Indian Pines Park as a proposed site for the Penn Yan Community Center's is continuing.
- (2) After receiving confirmation from Stork & Manahan that the "KaBoom" grant project liability issues are covered.....

MOTION by Trustee Allison, seconded by Trustee Taylor to support the projects using the "KaBoom" grant funds, as recommended by Village Attorney Brockman. Carried.

- (3) Due to an incident involving a Village tree falling to the ground and taking electrical wires from the house, it was decided that Mayor Marchionda would write a letter to the Village/Municipal employees informing them that if they receive any complaints, they must tell the resident to call either the Village or Municipal Office to officially record his/her complaint(s). Both offices maintain "complaint books" for this purpose.
- (4) The issue concerning the rental house at 361 Elm Street was referred to the Public Works Committee for their recommendation.
- (5) A letter to the Penn Yan Planning Board, to be signed by the Mayor, concerning temporary signage was referred to the Public Safety Committee for further review.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Mr. Bill McEvily, representing six (6) couples, gave a presentation informing the Board of their plans to provide a comfort care home within the Village. Bill and Nancy Kays, one of the six couples, were also present. The *Keuka Comfort Care Home* Committee wishes to provide a facility and staff to ensure compassionate care in a peaceful, home-like environment for the terminally ill residents and their families. The *home* will have only two beds, with the average stay of about 3 weeks and the maximum stay being approximately 3 months. The committee is seeking endorsements from individuals and organizations that are willing to stand behind their efforts to bring a comfort care home to this area.....

MOTION by Trustee Taylor, seconded by Trustee Allison to extend the Village Board's total support toward the goals of the *Keuka Comfort Care Home* Committee, as stated above. Carried.

Richard Stewart, 342 Elm Street communicated three issues: (1) thank you for painting the cross walk on Elm Street from Burns Terrace (2) could all the clocks in the Village be set at the same time as they are all different, some by as many as ten minutes and (3) when can the Mayor vote and what consists of a quorum on a seven member board when all are not present?

CORRESPONDENCE:

MOTION by Trustee Christensen, seconded by Trustee Smith to approve a permit to the YC Chamber of Commerce to erect a banner across Main Street from July 18th to August 1st entitled "SIDEWALK SALE JULY 30". Carried.

MOTION by Trustee Christensen, seconded by Trustee Smith to approve a permit to the YC Chamber of Commerce to erect a banner across Main Street from November 21st to December 5th entitled "STARSHINE DEC 2". Carried.

MOTION by Trustee Smith, seconded by Trustee Taylor to approve the Penn Yan Fire Department hosting an *Antique Fire Apparatus Muster* from 10:00 AM to 4:00 M at the Firemen's Field on Saturday, July 23rd. Also, a motorcade will be begin from the SSMH parking lot at 9:30 AM and end at the Firemen's Field. Carried.

Mayor Marchionda read a letter from the FG Wright Insurance Agency, 322 Liberty Street, requesting the Village to install and pay for curb-cuts in front of his business. Mr. Wright believes a hardship has been placed on his customers, since the State eliminated all parking on Liberty Street (Route 14A). The Public Safety and Public Works Committees met with representatives from Senator Winner's and Assemblyman Bacalles' offices this afternoon, who informed the them that the Village could not use taxpayers money to construct curb-cuts on private property and/or a private business. Attorney Brockman was asked to inform Mr. Wright by letter.

The Mayor also read a letter from Curt and Lisa Miller, 312 Keuka Street, who requested the *Violet Avenue* street sign be replaced, and to have curbs installed on Violet Avenue to Keuka Street. Street Superintendent Jensen will make the street sign and install it. The latter request is referred to the Public Works Committee for their review.

AUDIT:

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

Village:	Paid before audit – General Fund	11,548.07
	General Fund	43,420.88
	Paid before audit – Capital Fund	1,626.51
	Capital Fund	401.60
 Municipal:	As of May 31, 2005 – Paid before audit – Electric	 36,456.76
	Electric Fund	3,574.40
	Water Fund	8,857.35
	Sewer Fund	9,513.36
	 June 2005 audit – Electric Fund	 13,567.95
	Water Fund	880.98
	Sewer Fund	288.69
	Capital Projects	2,135.00

Carried.

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

Last meeting was held today, Tuesday, June 14th at 2:30 PM in the Village Hall, 111 Elm Street, 2nd fl.

MOTION by Trustee Smith, seconded by Trustee Allison to designate *Lyons National Bank* as an additional depository bank to be used for the Village/Municipal funds. Carried.

At the advice of Attorney Brockman, the MOTION by Trustee Smith, seconded by Trustee Allison to declare the Maxwell Building on Main Street, the former Police Station on Basin Street and the Owl's Nest Building on Seneca Street as surplus properties was withdrawn.....

MOTION by Trustee Smith, seconded by Trustee Taylor to declare the Owl's Nest Building at 112 Seneca Street as surplus property. The Village plans to sell the building in the near future. Carried.

MOTION by Trustee Christensen, seconded by Trustee Smith to obtain a *market analysis* of the building at 112 Seneca Street before deciding whether to put the property to sealed bid. Carried.

MOTION by Trustee Smith, seconded by Trustee Allison to set up three (3) additional reserve funds. Carried.

MOTION by Trustee Smith, seconded by Trustee Christensen to establish a reserve fund for *Employee Benefits and Liabilities*. Carried.

MOTION by Trustee Smith, seconded by Trustee Christensen to establish another reserve fund for *Worker's Compensation*. Carried.

MOTION by Trustee Smith, seconded by Trustee Christensen to establish the *Insurance Reserve Fund* as the third. Carried.

MOTION by Trustee Smith, seconded by Trustee Allison to put \$5,000 each into the *Worker's Comp* and the *Insurance Reserve Funds*. The sum to be designated for the *Employee Benefits* has not been decided. Carried.

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

The next Village/CSEA negotiation meeting is scheduled for Tuesday, June 21st at 4:00 PM at 111 Elm Street, 2nd fl. (No report)

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

The meeting for today, Tuesday, June 14th was rescheduled for Tuesday, June 28th at 5:00 PM, Village Hall, 2nd floor.

MOTION by Trustee Allison, seconded by Trustee Christensen to hire Alison Peele as a sub-lifeguard for the 2005 season. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to rehire Cori Champlin and hire Chris Peck, Erin Ames, Jenna Dunkelberger as playground leaders for the 2005 season. Carried.

MOTION by Trustee Christensen, seconded by Trustee Taylor to authorize the Mayor to sign a *letter of support* for a new Parks Grant application under the Environmental Protection Fund. The project 's location will be on the Outlet Trail at the Elm Street Sports Complex and the boat launch site. A letter stating the Village's ownership will also be needed.
Carried.

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

Last meeting was Monday, May 23rd at 7:00 PM in the Village Hall, Room 210; the next meeting is scheduled for Monday, June 27th.

The Committee is continuing its' review of zoning issues along Route 14A.

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

The last meeting was Thursday, May 19th at 7:00 PM, Village Hall, Room 202.

Signage for the new Village Hall will soon arrive. Also, the committee is reviewing prices for granite monuments to be placed in front of the Village Hall.

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

The last meeting, a joint Public Safety/Public Works, was held today, at 5:00 PM in the Village Hall.

Old Business:

Based on the information received as of this time from the YC Chamber of Commerce, the issue of erecting a tent on lower Main Street to sell bottles and glasses of wine at the July 30th *Blues Festival*, will still not be allowed, as voted at the May 10th Village Board meeting.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Allison to approve Adam Christensen to be elected into membership of the Ellsworth Hose Company of the Penn Yan Fire Department.
Carried.

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Allison to authorize the Village to mow the overgrown yards at 405 North Main Street and 222 North Avenue, and to bill the homeowners.
Carried.

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

The next meeting has been changed to Monday, June 27th at 1:00 PM in the Village Hall, 2nd fl.

Streets:

Street Superintendent Jensen reported on the following: (1) no more spring pick-up as it ended June 1st unless there is a storm (2) the crew has started the sidewalk replacement project (3) there was a 9 foot sink hole on North Avenue near the railroad tracks and (4) a couple of weeks ago a huge poplar tree fell on the outlet trail bridge resulting in a great deal of damage.

MUNICIPAL:

The last meeting was Thursday, June 9th at 2:00 PM in the Village Hall, 2nd fl.

MOTION by Trustee Allison, seconded by Trustee Smith to approve *Payment Application No. 9* to TRT Masonry, Inc. releasing the retainage fee of \$4,204.45 for the Lake Street & Commercial Avenue Water Main Improvement project.
Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to approve *Payment Application No. 3* for work completed on the Cherry Street Pump Station Upgrade to Finger Lakes Piping, Inc. in the amount of \$54,045.50.
Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Mike Naylor, Wastewater Treatment Plant Operator, to attend the *Hazards at Water & Wastewater Treatment Plants & Personal Protective Equipment* workshop on Thursday, June 23rd in Batavia, NY at a cost of \$50.00 and \$60.00 for one night's accommodations.
Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to appoint Steve Castner to the position of *Wastewater Treatment Plant Operator Trainee* (Group IV), effective Monday, June 13, 2005. He will be promoted to "*Operator*" after receiving his operator's certification.
Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to award the bid for repaving several Village Streets to Babock Enterprises, Dansville, NY in the amount of \$106,283.75, less 2 change orders of \$15,275 that will eliminate Grace & Young Streets, and \$8,750.00 that will eliminate lower Sunset, resulting in a total project cost of \$82,258.75. Carried.

► (Parks & Recreation)

MOTION by Trustee Christensen, seconded by Trustee Taylor to adopt RESOLUTION NO. 15-2005 Application for 2005 Park Grant Programs.

ADJOURNMENT TO EXECUTIVE SESSION:

At 9:18 PM, MOTION by Trustee Christensen, seconded by Trustee Taylor to add *legal matter* to personnel matter, and to enter into *Executive Session* concerning both matters.
Carried.

(10 minutes break)

ADJOURNMENT:

At 10:40 PM, MOTION by Trustee Christensen, seconded by Trustee Smith to adjourn the *Executive Session* and the regular meeting.
Carried.

Linda K. Banach, Village Clerk

