

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, June 22, 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, M. Christensen; Street Supt. R. Jensen; Asst. Director of Public Works R. Osgood; Village Attorney E. Brockman; Village Treasurer Socola; Recreation Director D. Doyle, Police Chief Hill, and Cemetery Superintendent Trenchard.

ABSENT: Trustee G. Smith, Director of Public Works Balsley, CEO B. Lyon, and Fire Chief Pallar

Public Attendees: Kenneth Pedersen, Mrs. Armstrong, and Anne Gunn.

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 7:02 PM and led the Pledge Allegiance to the Flag.

CALL FOR EXECUTIVE SESSION:

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

MINUTES:

MOTION by Trustee Koek, seconded by Trustee Christensen to approve the minutes of the May 28, 2004 regular Board Meeting as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Kenneth Pedersen of 123 Walnut Street, spoke to the Board about a problem concerning water and storm sewers on Walnut Street. He said he had already spoken with Street Superintendent Jensen and Assistant Director of Public Works Osgood. The water is popping his basement floor. He is a mason, and he knows what needs to be done in order to correct the problem. Assist. Director Osgood feels that regrading the road could help the problem. The driveways will be addressed before resurfacing is done.

MAYOR:

Mayor Marchionda reported that the Village had rejected the first and second DVI contracts that had been proposed. Attorney Brockman stated several points in the contract that are not in the best interest of the Village. Several Board members spoke on the issue.

ATTORNEY:

Attorney Brockman informed the Board that the parcel descriptions for the proposed law to rezone the area along Route 14A south, near the bowling alley, are still being worked on.

MOTION by Trustee Koek, seconded by Trustee Schwingle to authorize the Mayor to sign the "Hold Harmless Agreement" to grant permission to Sarrasin's Restaurant to use a small portion of Red Jacket beach to hold a September 25th wedding ceremony, after Attorney Brockman has prepared it Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to proceed with the SEQR process for the proposed Local D of 2004. Unanimously Carried.

CORRESPONDENCE:

MOTION by Trustee Christensen, seconded by Trustee Koek to grant permission to Yates County Chamber of Commerce to hold their annual Sidewalk Sale on Saturday, July 24th from 7:30 AM to 4:00 PM, and to close Main Street from Elm St. to Jacob St. during that time. Unanimously Carried.

In the letter of approval to the Chamber, the Board strongly recommends that the Village be give more advanced notice of events in the future.

The Board discussed the Retail Council's request to have the trash receptacles replaced immediately on Main Street.

Assist. Director Osgood reported on a 50/50 matching grant for \$49,000 for Streetscape and will write an update for the Village Clerk as to the status of the Streetscape Money, so that she can reply to the Chamber's request for an update. The money will be used for trash receptacles, street lighting, a kiosk and benches. Trustee Koek will approach the Lions Club about the trash receptacles.

The "Penn Yan Dollars for Scholars" request for two signs to be erected at entrances to the Village was referred the Public Works committee for their review.

Motion by Trustee Christensen, seconded by Trustee Allison to approve a banner for "Yates County Habitat for Humanity" to hang across Main Street from September 6th to September 13th, 2004. Unanimously Carried.

AUDIT:

MOTION by Mayor Marchionda, seconded by Trustee Christensen to pay the current bills as submitted:

Village:	Paid before audit—General Fund	76,322.90
	Paid before audit—Capital Fund	141,498.75
	General Fund	43,037.71
	Comm. Dev.	963.14
	Capital CHIPS	57,489.67
	Capital (Vill. Off. Bldg.)	12,357.57

Municipal:	End of year audit 5/28/04:	
	Electric	8,153.68
	Water	7,637.57
	Sewer	27,293.68
	Capital Project: Sewer	18,832.77
Municipal:	June 17, 2004 meeting	
	Electric	130,148.66
	Water	17,338.07
	Sewer	11,969.89
	Capital Projects: Water	5,778.70
	Sewer	6,160.16

Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith

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

MOTION by Trustee Allison, seconded by Trustee Schwingle to adopt RESOLUTION NO. 30-2004 Budget Transfers in the amount of \$54,510.00. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize Village Treasurer Socola to transfer up to \$40,000 to debt service for future debt payments on the new village office project Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize Village Treasurer Socola to transfer up to \$20,000 to the capital reserve fund for future property and equipment upgrades at the cemetery. Unanimously Carried.

PERSONNEL: N. Koek, Chair

The last meeting was held this afternoon, June 23rd, at 3 Maiden Lane.

The issues that had been tabled will be discussed at the next Personnel Meeting, to be held next week.

PARKS & RECREATION – Randy L. Schwingle, Chair

No meeting was held on June 16, 2004.

MOTION by Trustee Schwingle, seconded by Trustee Koek to adopt RESOLUTION NO. 28-2004 Application for Skate Park Grant 2004. Unanimously Carried

MOTION by Trustee Schwingle, seconded by Trustee Christensen to hire Cara Lucas and Amanda James as lifeguards for the 2004 summer season. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to adopt RESOLUTION NO. 29-2004 Application for Park Grant Programs 2004 (Indian Pines). Unanimously Carried.

Trustee Schwingle reported on an email that he had received through the Village website regarding the area youths and the tennis club. He said that the Village recreation program is working to do a tennis youth camp program. He noted that the email was not signed with an individual's name but an email user name. He would like to have any emails signed with the actual individual's name so that he can properly respond.

PLANNING & DEVELOPMENT: M. Christensen

The next meeting is scheduled for Monday, June 28th in the Village Office at 7:00 PM.

AD-HOC BUILDING COMMUNITY: D. Marchionda, Chair

Mayor Marchionda reported that they had met with some of the five (5) artists who had submitted proposals for the lightening rod/sculpture to be placed on top of the new Village Building. They chose Dexter Benedict's image of the Village's logo of the Pennsylvanian and Yankee shaking hands. It is a weathervane design and will be constructed of stainless steel and brass, at a cost of \$2,600.

Asst. Director Osgood gave a progress report on the new village office building. He said that there is a problem with some of the trusses and they will have to be repaired. The precast work is scheduled to begin on June 28th, on the alley side of the building. And the brickwork should follow. The electric portion of the project is coming along. There were no issues with the plumbing and heating. And the grade on the alley side of the building will need to be tweaked. The next construction meeting will take place on Thursday, June 24th at 9 AM.

PUBLIC SAFETY: N. Taylor, Chair

Last meeting was held on Thursday, June 17th at noon at the Wagner Inn.

Police Department:

Chief Hill hopes to have a resolution for the snow mobile issue, which has been presented to the Parks and Recreation committee and the Village attorney. They hope to have a resolution to present to the Village Board at their August meeting.

Fire Department:

Trustee Allison reported on the fire at Morgan's Grocery. He said the police department and fire departments did a commendable job. And he said they had good help from the neighboring fire departments.

Trustee Schwingle reported that the Triathlon was a huge success. Kudos to the committee that handled the event.

Trustee Taylor said that Fire Chief Pallar talked about the recent incident at the airport. There will be some expense ahead for more training and equipment. Trustee Taylor will approach other agencies to help with these expenses, as the airport is not located in the Village. It was suggested that perhaps a separate contract for fire coverage might be in order. Trustee Taylor said that she had read a letter from Judge Falvey regarding the use of courtrooms for Village Court. The proposal appears to be costly and cumbersome. Some of the prohibitive issues include the county court rooms would be available on a very limited schedule; there would be no desk for the Village Justice, the county would require 3 months notice and only certain types of cases could be heard there. Trustee Taylor will be meeting with Justice Hibbard on this matter.

Code Enforcement:

MOTION by Trustee Christensen, seconded by Trustee Koek to authorize the Mayor to sign the Code Enforcement Officer's request to hire a contractor to mow the yards at 14 Maiden Lane and 30 Northview Drive, per Section 56-5 and the cost will be added to the 2005-2006 tax roll. Unanimously Carried.

PUBLIC WORKS: W. Allison, Chair

The meeting was held this afternoon, June 22nd, at 3 Maiden Lane, 2nd fl.

Streets:

Old Business.....

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve a request by Mary Heinonen, to plant flowers and place a small sign at the "5 Pints" in honor of Pat Baker, with the stipulation that the plants are not to exceed two (2) feet in height and does not obstruct visibility. Unanimously Carried.

New Business.....

MOTION by Trustee Allison, seconded by Trustee Christensen to hire Dan Lopata as a laborer to work this summer with the DPW. Unanimously Carried.

A discussion was held regarding a request from Nelson and Neena Hansen, owners and operators of Spruce Acre, to create an access road to their property from the Industrial Park. The request was referred back to the Public Works committee to have more questions answered.

Trustee Allison reported that the Lake Street Project came in under bid. There is a problem before the East Elm and Cornwell paving can be done. A letter has been drafted that will be going out to homeowners addressing some of the drains that are going into Village sanitary lines. Attorney Brockman will be meeting with Assist. Director Osgood regarding the letter.

Street Superintendent Jensen said the Sidewalk Program is progressing well. There are approximately 20 sidewalks this year. He said the DPW would be picking up debris from last week's storm.

Trustee Christensen commended Director Balsley, Assist. Director Osgood and all of the DPW and Municipal crews for their hard work on the Lake Street Project. There was a lot of work that was required below the street level. They all worked hard to get the job done.

Cemetery:

Cemetery Superintendent Trenchard said there are some drainage issues in the cemetery that will need to be addressed in the next couple of years.

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Christensen to hire Tim Scutt and Jim Foster as laborers to work this summer with the Municipal. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Mayor to sign *Change Order No. 2* for the Lake Street/Commercial Avenue water project, which represents a decrease of \$36,030.75 from the contract amount. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize payment to Atlas Painting of \$694.25, which represents the cost of cleaning the vehicles that were over-sprayed with paint of \$3,74475, from the retainage amount of \$4,450. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to post internally for 7 days the two (2) vacancies for the positions of Water Treatment Plant Operator Trainees. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to authorize advertising for bids for two transformers. Unanimously Carried.

Asst. Director Osgood reported that the crews are working on the water line on Florence Avenue.

OTHER:

MOTION by Trustee Christensen, seconded by Trustee Allison to hold a special Village Board meeting on Tuesday, July 6th at 7 PM at the Maxwell Building concerning the DVI contracts and proposed Local Law D of 2004 amending the Zoning Law of the Village of Penn Yan providing for the addition of special use procedures, manufactured homes regulations, adult use establishment regulations and corresponding definitions. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to hold a special Village Board meeting on Tuesday, July 13th, 2004 concerning the DVI contracts and proposed Local Law D and a regular Village Board meeting. Unanimously Carried.

Mayor Marchionda reported that on a small claims judgment re: Kathleen Rose vs. Village of Penn Yan. The Village received notice that a judgment was found in favor of Kathleen Rose in the amount of \$1,415.00.

MOTION by Trustee Koek, seconded by Trustee Christensen to cancel the motion to hold a special Village Board meeting on July 13th, 2004. Unanimously Carried.

At 8:45 PM, MOTION by Trustee Christensen, seconded by Trustee Koek to adjourn into *Executive Session* concerning personnel matters. Unanimously Carried.

(15 minute break)

At 9:45 PM, MOTION by Trustee Schwingle, seconded by Trustee Taylor to adjourn the Executive Session, return to the Regular Board meeting and to adjourn the regular Village Board Meeting. Unanimously Carried.

Marlene A. Exner, Deputy Village Clerk

*A *Special* Village Board meeting is scheduled for July 6, 2004 at 7:00 PM in the Maxwell Building.

*The next Regular Village Board meeting will be held on July 27th