

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, July 12, 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. Koek, R. Schwingle, N. Taylor, G. Smith, and M. Christensen; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood; Village Treasurer M. Socola; Village, Attorney E. Brockman; Street Superintendent R. Jensen, Police Chief S. Hill; Recreation Director D. Doyle; and CEO B. Lyon

**ABSENT:** Cemetery Superintendent L. Axtell and Fire Chief J. Housel

Public Attendees: Elizabeth Armstrong and Anne Gunn

News Media present: Gina Muscato, Finger Lakes Times

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

**EXECUTIVE SESSION:**

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

**MINUTES:**

MOTION by Trustee Koek, seconded by Trustee Christensen to approve the minutes of the June 14, 2005 regular Village Board meeting and the June 28<sup>th</sup> Special meeting held for the Hawley FOIL Appeal Hearing, as submitted..... Unanimously Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Devon Warren of 217 Main Street is going to open a business called “*The Main Scoop*” at 132 Main Street. He was present to ask the Board if he could construct part of the handi-cap ramp on Village property.....

MOTION by Trustee Schwingle, seconded by Trustee Allison to grant permission for Devon Warrant to extend his handi-cap ramp onto Main Street with the following provisions – an agreement license must be executed, a copy of the corporation papers given to Attorney Brockman, the Village must be added to his insurance policy, and for safety purposes the ramp must be constructed with treated wood and beveled on the sides with flower pots placed on both sides in order to alert the public of its existence. Unanimously Carried.

The Board wished him good luck with his business endeavor.

**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. “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.....

MOTION by Trustee Christensen, seconded by Trustee Schwingle to approve the Mayor joining the *Mayors for Peace*.

Record of vote:	Trustee Allison	nay
	Trustee Christensen	nay
	Trustee Koek	nay
	Trustee Schwingle	nay
	Trustee Smith	nay
	Trustee Taylor	nay

Motion defeated.

The issue of preparing Part I of the full EAF for rezoning 6.877 acres on the west side of Route 14A, tabled to tonight’s meeting, was put in the hands of Trustee M. Christensen who will meet with Attorney Brockman and the Planning Board. He will report their decision at the August 9<sup>th</sup> Village Board meeting.

**ATTORNEY:**

Attorney Brockman introduced four proposed local laws to the Board for their review before the August 9<sup>th</sup> meeting. They are as follows: (1) proposed local law C for 2005 Definition changes and addition of Planned Business and Planned Residential to the Signage Article in the Zoning Chapter (2) proposed local law E for 2005 Amendment of the penalty provisions of the Fire Prevention and Building Construction Chapter (3) proposed local law F for 2005 Amendment of penalty provisions of the Housing Standards Chapter and (4) proposed local law G for 2005 Amendment of penalty provisions of the Solid Waste Chapter. (Proposed local law D for 2005 is reserved for rezoning 6.877 acres on Route 14A mentioned above under “MAYOR”.)

**CORRESPONDENCE:**

MOTION by Trustee Allison, seconded by Trustee Koek to reaffirm the poll vote taken the week of June 20<sup>th</sup> to approve the Penn Yan Bible Church using the mini-park on Tuesday, July 5<sup>th</sup> to hold a free concert and to serve free ice cream. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Allison to approve a permit to erect a banner across Main Street from August 15<sup>th</sup> to August 22<sup>nd</sup> entitled “*Finger Lakes Boating Museum – Thompson Boats Show August 20-21*”. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to approve a permit to erect a banner across Main Street from September 5<sup>th</sup> to September 19<sup>th</sup> entitled “*DUCK RACE CLASSIC SEPTEMBER 18*”. Unanimously Carried.

**AUDIT:**

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

Village:	Paid before audit – General Fund	205,882.94
	General Fund	38,508.78
	Capital Fund	3,350.00
Municipal:	As of June 22, 2005 – Paid before audit – Electric	13,033.02
	Paid before audit – Water	24.68
	Paid before audit –Capital Water	4,204.45
	Electric Fund	135,031.49
	Water Fund	9,015.02
	Sewer Fund	8,243.01
	Capital Electric	935.00
	Capital Sewer	63,469.74
	July 2005 audit	
	Electric Fund	42,145.23
	Water Fund	62,349.43
	Sewer Fund	34,440.04
	Capital Electric	5.00
	Capital Sewer	15,621.15

Unanimously Carried.

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

Last meeting was held today, Tuesday, July 12<sup>th</sup> at 2:30 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> fl.

MOTION by Trustee Smith, seconded by Trustee Taylor to adopt Resolution No. 16-2005 YEAR-END BUDGET TRANSFERS totaling \$224,725. Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Allison to delegate the Village Attorney, the Village Treasurer and the Finance Committee to hire a realtor to list the Owl’s Nest building at 112 Seneca Street for sale with the stipulations that the it be listed “as is” and all additional costs paid by the purchaser. Unanimously Carried.

Trustee Smith, representing the Finance Committee, encourages the Village Board to continue the process relative to the Fire Department renovations.

At the June 14<sup>th</sup> Village Board meeting, a reserve fund for *Employee Benefits and Liabilities* was created.....

MOTION by Trustee Smith, seconded by Trustee Allison to transfer \$78,170.61 to the above-mentioned reserve fund. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Taylor to transfer \$5,000 into the DPW Equipment Reserve Fund, and \$5,000 into the Fire Department Equipment Reserve Fund. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Taylor to purchase a new lawn tractor for the Street Department, payable from the DPW Equipment Reserve Fund. The net cost for the lawn tractor will be approximately \$8,820. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize advertising for sealed bids to sell the Street Department’s leaf machine, and DPW #1, the Street Superintendent’s truck. Unanimously Carried.

MOTION by Trustee Smith, seconded by Trustee Koek to declare the inventoried contents of the building at 3-5 Maiden Lane as surplus equipment. Unanimously Carried.

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

The last Village/CSEA negotiation meeting was held on Tuesday, June 21<sup>st</sup> at 4:00 PM at 111 Elm Street, 2<sup>nd</sup> fl.

Trustee Koek informed the Board that a *tentative* contract between the CSEA and the Village is now in the hands of the representatives and the Village Treasurer. Another meeting is scheduled for the end of July.

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

The last meeting was held today, Tuesday, July 12<sup>th</sup> at 5:00 PM, Village Hall, 2<sup>nd</sup> floor. The next meeting is scheduled for Tuesday, August 16<sup>th</sup> at 4:00 PM.

Trustee Schwingle reported that (1) the Village’s playground program is going well, with 36 children enrolled at Indian Pines and 24 at Red Jacket Park. Nana Carrillo, Director of the Y.C. Youth Bureau, appeared for a surprise inspection. She wrote a good report commending the playground leaders and program. (2) Also, the “snow mobile” issue was discussed again. Trustee Schwingle plans to have recommendations ready for the September Village Board meeting. The Police Chief was asked to provide law enforcement rules and regulations relative to the snowmobiles on the Village’s Outlet Trail. (3) A trip to Rochester to attend the Red Wings game is scheduled for August 27<sup>th</sup>; and on September 18<sup>th</sup>, a trip to the Yankee game has been planned. (4) Many complaints of “dog droppings” at the parks. Dog owners must be responsible for cleaning up after their dogs (sort of a “carry in, carry out” policy).

MOTION by Trustee Schwingle, seconded by Trustee Allison for the Village to proceed with filing an application with the NYS DEC for a permit for the outlet bridge (in reference to the snowmobiles). Unanimously Carried.

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

The June 27<sup>th</sup> meeting was canceled; the next meeting is scheduled for Monday, July 25<sup>th</sup> at 7:00 PM in the Village Hall, Room 210

Trustee Christensen reported that the Planning Board held a public hearing last evening concerning Walgreen’s plan to build their store in the area of Liberty, Elm and Keuka Streets. Non-village residents attended as well as local residents, some pro, some con.

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

The Mayor is scheduling a meeting to be held next Tuesday, July 19<sup>th</sup> at 6:00 PM in the Village Hall, Room 202.

The granite monuments, to be placed in front of the Village Hall, have been ordered. However, he believes it will be awhile before they are delivered.

Assistant Director of Public Work Osgood presented a list of “must do” items to the Village Board in order to complete the building projects in a timely manner.....

MOTION by Trustee Christensen, seconded by Trustee Allison to authorize advertising for sealed bids to remove asbestos from the old Village/Municipal building at 3 and 5 Maiden Lane. Unanimously Carried.

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

The last committee meeting was held today, Tuesday, July 12<sup>th</sup> at Noon in the Wagner Inn.

Old Business:

As a point of information, Trustee Taylor reported that the “curb-cut” project completed in front of Saint Michael’s Church on Liberty Street was shared between the NYS DOT, Saint Michael’s Church and the Village of Penn Yan. The Village put in a lot of man-hours, and used Village equipment. Hopefully, that will be the extent of the Village’s share.

Fire Department:

Trustee Taylor re-announced that the Penn Yan Fire Department is hosting an *Antique Fire Apparatus Muster* on Saturday, July 23<sup>rd</sup> from 10:00 AM to 4:00 PM at the Firemen’s Field. A parade will begin at 9:30 AM, ending at the field.

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

The last meeting was held on June 27<sup>th</sup> at 1:00 PM in the Village Hall, 2<sup>nd</sup> fl., the next meeting is scheduled for Monday, July 18<sup>th</sup>

Old Business:

- (1) The eviction notice for the tenant at 361 Elm Street is still in effect. She must vacate the premises by July 31, 2005.
- (2) The poll vote taken on June 15<sup>th</sup> relative to allowing the YC Chamber to set up a tent to sell beer and wine at the Blues Festival on July 30<sup>th</sup> is now being amended.....

MOTION by Trustee Smith, seconded by Trustee Allison to exempt Lloyd’s Limited, a Pub, from the Village’s *open container* law, within the exterior of the tent – anyone/everyone drinking wine and/or beer must stay inside the tent. The event must end no later than 11:00 PM July 30<sup>th</sup>. (Mr. Champlin will be regulated by an ABC license obtained from the State Liquor Authority, and must also follow all local laws, rules and regulations.) Carried.

**MUNICIPAL:**

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve *Payment Request No. 1* in the amount of \$31,403.25 to Blackmon-Farrell Electric, Inc. for the Water Treatment Plant VFD installation project. Carried.

MOTION by Trustee Allison, seconded by Trustee Schwingle to approve *Payment Request No. 1* in the amount of \$15,185.75 to Schuler-Haas Electric Corp. for the Cherry Street Pump Station Upgrade project. Carried.

The request for the Village Board to create and adopt a resolution banning installation of *water-only* meters to Municipal customers was referred to Director of Public Works Balsley and Village Attorney Brockman for further research.

The issue of adopting a resolution to establish the policy that commercial and industrial electric customers who require a 150KV transformer, or larger, either purchase the transformer outright, or purchase the transformer and dedicate it to the Village was also referred to DPW Balsley and Attorney Brockman for further review.

MOTION by Trustee Allison, seconded by Trustee Koek to approve Director of Public Works Balsley to attend the New York Municipal Power Agency (NYMPA) Special Meeting to discuss the new electric wholesale supplier. The date and place are unknown at this time. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Municipal to take part in the IEEP Energy Star Appliance Advantage Program. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Municipal to collect one mil per KW hour charge from each electric customer relative to the program mentioned above, from now until November 2005 and then, determine whether to continue with the program. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Steve Castner, Wastewater Treatment Plant Operator Trainee, to attend the NY Rural Water Association’s *Water/Wastewater Training Session* entitled “Basic Math” on August 25<sup>th</sup> in Canandaigua, NY, at a cost of \$35.00. Carried.

**ADJOURNMENT TO EXECUTIVE SESSION:**

At 9:35 PM, MOTION by Trustee Schwingle, seconded by Trustee Allison to enter into *Executive Session* concerning a personnel matter. Carried.

(The Village Clerk was excused at this time.)

**ADJOURNMENT:**

At 10:00 PM, MOTION by Trustee Koek, seconded by Trustee Smith to adjourn the *Executive Session* and the regular meeting. Carried.

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Linda K. Banach, Village Clerk

► The next regular Village Board Meeting is scheduled for Tuesday, August 9<sup>th</sup>.

