

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, August 16, 2011 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor R. Church.; Trustees W. Allison; C. Christensen; M. Christensen; W. Davidson; R. Stewart; B. Winslow Assistant Director of Public Works B. Jensen; Police Chief Hulse; Parks Director D. Doyle; CEO B. Lyon; Fire Chief R. Simpson

Trustee Allison arrived at 6:36pm.

ABSENT: Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works B. Bodine

News Media present: Gwen Chamberlain, Chronicle Express; Amanda Folts, Finger Lakes Times; Peg Thompson, Dundee Observer

PUBLIC: Bryan Winslow, Mark Morris, Ron Burd, Tim Alimosy with the DOT

Mayor Church called the Village Board meeting to order at 6:00 PM.

Mayor Church called the Public Hearing to order at 6:00 PM.

6:00 PM PUBLIC HEARING - Amend Vehicle and Traffic Chapter

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to open the Public Hearing at 6:00 PM.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Mayor Church asked if there were any comments from the Public.

Mayor Church asked again if any comments from the Public. No comments.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to close the Public Hearing at 6:02 PM.

MOTION by Trustee Stewart, seconded by Trustee Davidson to approve Resolution No 59-2011 Adoption of Local Law Amending the Vehicles and Traffic Chapter Code of the Village of Penn Yan by with Respect to various Parking Locations.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency, designating the Local Law as an "Unlisted" action and adopting a Short Environmental Assessment Form; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on August 16, 2011; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law J of the Year 2011 as a Local Law.
2. A Negative Declaration be issued and posted upon the Village website.
3. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such Local Law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

CALL FOR EXECUTIVE SESSION:

No Executive Session tonight

MINUTES:

MOTION by Trustee Winslow, seconded by Trustee Davidson to approve the Village Board Minutes from July 19, 2011 and Special Village Board meeting on July 6, 2011

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

Tim Alimossy from the DOT discussed the agreement between the DOT and the Fire Department storing trucks at the Brown Street extension during the Liberty Street project. Tim stated after he received the agreement from us, he forwarded it to his Legal staff in Albany and they suggested we use the Use and Occupancy Permit (U&O). Tim explained he knows it takes time and papers might not be in place by Sept. 12th. Tim and Chief Simpson are both in agreement without the paper work for the trucks to be stored at the building on Brown Street extension. Tim explained the (U&O) Use and Occupancy Permit fee will be waived for us. He mentioned last he heard everything is on schedule for the project. Mayor Church will give a copy to Atty. Brockman for his review.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Penn Yan Academy holds their annual Homecoming Parade on Saturday September 17, 2011 at 11:00am. Parade route will travel Keuka Street, Elm Street and Liberty Street back to the Academy

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussions; Chief Hulse has a copy of the letter for Homecoming. He has no problem with the parade

MAYOR:

Mayor Church wanted again to thank all the crews DPW, Water/Sewer, Brent and Bill and anyone else that were involved in these last few projects. They saved us a lot of money. Did a great job. Thank you again.

ATTORNEY:

MOTION by Trustee Winslow, seconded by Trustee Davidson to approve Atty. Brockman attends the NYCOM Annual Fall training September 19 – 22, 2011 in Saratoga Springs, NY. \$240.00 for Training and \$849.15 for Hotel room at Saratoga Hilton.

(3 nights @ \$283.05)

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussion: Mayor Church asked if anyone else wanted to go - this is excellent training. If so please let us know as soon as possible.

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee Winslow, seconded by Trustee Davidson to approve the Agreement for Legal Services related to the \$4 million interest-free loan for WWTP improvements at a cost not to exceed \$15,000.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

MOTION by Trustee Winslow, seconded by Trustee Davidson to authorize the attendance of two (2) employees/Village representatives at the MEUA Annual Conference being held September 13th – 16th in Saratoga Springs, NY. The costs will be \$220 for the conference and \$1,264 for lodging for a total of \$1,484.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussion: Brent Bodine and Dan Banach will be going.

MOTION by Trustee Winslow, seconded by Trustee Davidson to appoint Director of Public Works Brent Bodine as the Village's delegate at the MEUA Annual Conference being held September 13th – 16th in Saratoga Springs, NY.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

MOTION by Trustee Winslow, seconded by Trustee Davidson to authorize Elliott Engineering Solutions to design a new water line for lower Keuka Street at a cost not to exceed \$5,500.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

MOTION by Trustee Winslow, seconded by Trustee Davidson to authorize the attendance of up to four (4) employees at the Tiffit Symposium being held September 21st and 22nd in Liverpool, NY. 2 each day \$155.00/pp = \$620.00

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to approve Utility Payment Agreements in the amount of \$6,677.00.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

FINANCE & ADMINISTRATION:

MOTION: by Trustee C. Christensen, seconded by Trustee Winslow to pay current Village and Municipal bills as submitted.

WARRANT:

	Amount:
Paid Before Audit:	
General	67,522.89
Electric	197,186.97
Sewer	12,775.83
Water	11,446.75
Capital Projects	
Total Paid Before Audit	\$ 288,932.44
Current Audit:	
General	\$ 89,713.70
Community Development - CRC	-
Electric	36,446.73
Sewer	20,566.74
Water	16,550.93
Capital Projects	-
Total Current Audit Items	\$ 163,278.10
TOTAL AUDIT	\$ 452,210.54

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Mayor Church explained we received the comptrollers report back they mentioned we need to initial the warrants – Trustee Stewart and myself would review the bills - we didn't initial them. Which we are doing and have been doing for some time now.

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve payment to SCT Computers for \$3,671.50.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

PERSONNEL: B. Winslow, Chair; M. Christensen & W. Davidson

Last meeting was held on Friday August 12, 2011 at 8:00 AM, Room 210

MOTION by Trustee Winslow, seconded by Trustee Davidson to approve the hiring of Jeff Breuer for the Water Treatment Plant Operator Trainee effective September 6, 2011 at a starting rate of \$18.06 per hour. (Grade IV)

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussion: Trustee Winslow stated we had 86 take the test one got a 95 and 12 with 90. All were qualified candidates.

PUBLIC SAFETY:

Trustee M. Christensen explained the game well system is back in service, rather than each Village Street having their own number and do to space at the 911 center for the system all rural calls will ring 22 and Village calls are 414. He explained the Fire Department is still in the process of working on the 501C3. Trustee M. Christensen explained the LOSAP reports have been signed and notarized; this will be done on an annual basis along with having the Fire Chief and Village Board's approval. This process was initiated by Resolution in 1999. I will get with Atty. Brockman to discuss these issues and how we should proceed to correct the problems. Trustee M. Christensen discussed we are looking at upgrading the heating system at the Fire House. We received one estimate of \$1,300 just to examine the heating system. We have one unit that works and a couple units are not working. Chief Simpson and other fireman's have looked at these. Having Ryan Dailey look at these.

Trustee M. Christensen explained results from the comptroller's report we need to update our rural contract. He stated this year's money that was designated for the rural contract remains in the Village Budget. The cash flow did come to the Village - and we sent money to the Fire Department this will now change. The other townships will now be sending money directly to the Fire Department. This year money is still in the Village Budget that goes back to the Fire Department. The final amount is appropriately \$8,000. We will have the exact amount after the Clerk/Treasurer returns from Medical Leave. At this time I would like to give them \$5,000.00 to pay bills. Mayor Church explained he meet with Atty. Brockman and Trustee's Davidson and Winslow about this issue. The Village's budget starts June 1st. We do not get paid until March for the Fire contract, which means they don't get paid until March. Mayor Church reminded the Board the money is not in this year's budget it was from last years.

POLICE DEPARTMENT:

Nothing

FIRE DEPARTMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to approve Resolution No 60-2011, Release of Part of Rural Contract Monies to Penn Yan Fire Companies, Inc.

WHEREAS, the Village of Penn Yan, a municipal corporation of the State of New York, has received funds from Towns which have contracted with the Village for fire and emergency protection from the Penn Yan Fire Department, commonly referred to as "rural contact funds"; and

WHEREAS, pursuant to New York State law a portion of such funds are to be paid to the volunteer fire companies of the Penn Yan Fire Department; and

WHEREAS, the volunteer fire companies apply those rural contract funds to their operations; and

WHEREAS, only a portion of the 2011 rural contract funds owed to the volunteer fire companies has been paid over to them, with a balance now due in excess of \$8,000.00, the determination of the exact amount due is presently awaiting final determination; and

WHEREAS, it is the intent to make a partial payment at this time.

NOW THEREFORE BE IT RESOLVED, THAT

The Board of Trustees of the Village of Penn Yan shall remit and pay to Penn Yan Fire Companies, Inc., the sum of \$5,000.00, representing partial payment of the total presently due, pending determination of the exact amount due, and that such \$5,000.00 be paid forthwith.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Mayor Church stated this is left over from the 2010-2011 budgets. We will wait until the S. Wilber Clerk/Treasurer returns from medical leave; she will balance and let us know the remaining money that is owed to the Fire Department.

Monthly and Yearly Fire Department reports

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Jul 2011
run 08-08-2011 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires	1	26	32.9
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires			
Other Fires	3	66	20.3
Wires	3	35	46.2
Other Emergency	6	92	30.6
Automatic Alarm Fires	5	71	11.4
Mutual Aid Scene	2	48	114.6
Mutual Aid Standby	1	13	11.7
Public Service			
Vehicle Accident			
Total Fire Calls	21	351	267.7
Medical/Rescue Calls			
First Responders			
Assist Ambulance	1	10	2.8
Other Medical			
Total Med/Resc Calls	1	10	2.8
Total ALL Calls	22	361	270.5
Other Activities			
Courses			
Drills	7	43	105.0
Monthly Meetings	6	66	90.8
Committee Meetings			
Fire Prevention			
Fund Raising			
Parades/Cleanup	2	51	179.0
Work Detail	4	37	199.0
Wake/Funeral			
Line Of Duty			
Other	6	63	275.0
Total Other Activities	25	260	848.8
*****	***	*****	*****
Total ALL Activities	47	621	1119.3

Trustee Stewart mentioned that he likes to see both reports regarding the Fire Department.

CODE ENFORCEMENT:

Nothing

PUBLIC WORKS:

MOTION by Trustee Davidson, seconded by Trustee Winslow to approve to purchase (1) gas tank with 2 pumps at a cost of \$4,540.00 if needed.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussion: Mayor Church explained we decided to rebid the gas. At present the two pumps and one tank are owned by Wyman's. The Village owns one tank.

MOTION by Trustee Davidson, seconded by Trustee Winslow to purchase fuel system software at a cost of \$1,150.00.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

MOTION by Trustee Davidson, seconded by Trustee Winslow to approve to re-bid petroleum products without and tanks or pumps.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to approve crack sealing and chip sealing, Kennedy, Lincoln, Eagle, Carpenter Lane and Highland Drive not to exceed \$50,000, if funding is available.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Discussion: Mayor Church stressed if we can find the funding for the Crack sealing and Chip sealing projects. Trustee Winslow explained this is important because it helps to prevent water from seeping through the cracks of the roads causing further damage to the road base and surface. We would like to have this done before winter. Trustee Davidson stated we have not forgotten Keuka Street. Bill Jensen explained a design was being developed by Elliot Engineering to look at a slip line for the sewer line for Keuka & Water Streets; he mentioned these lines are extremely deep. Don Rapalee will be doing a walk through to assess Keuka Street for the best possible temporary paving repairs.

Trustee M. Christensen questioned the new proposed Willow Road by the WWTP. Bill Jensen explained we have had some conversation with the land owner. Bill stated I'm not in a good position on how the property owner is feeling about this. It was Bill's understanding the owner was original ok with it but he is not as good as he once was. Trustee M. Christensen mentioned this also involves Town of Milo. Trustee M. Christensen also commented on the damages he sees from the trucks what they do to Franklin, Sherman and Elmwood Streets. These Streets are not adequate to handle these trucks. Would like to see if the Municipal could help subsidize the work to these streets. Rom French stated this has not been discussed at the Municipal meeting yet and will have it added on to next month's MUB agenda. Bill Jensen and Don Rapalee are working on repair priorities for village streets and the roads that need work in preparation for next year's budget preparation.

PARKS & RECREATION:

Trustee Stewart mentioned the summer playground program ended August 12th. Will have playground figures at next month's meeting. Trustee Stewart stated the Boat Launch parking permit have a rough amount of over \$3,000.00 in profit. We have some ideas for next year. Mayor Church asked where the grant money is at for Indian Parks. We have not received any yet. Dan Doyle stated he will check with Brent Bodine regarding this, Dan had turned everything over to him. Dan will get with Brent to discuss this.

Trustee M. Christensen would like to thank the staff in the office for all their help this summer with the Boat Launch parking permit. He knows this has been extra work for them.

PLANNING & DEVELOPMENT:

Trustee Davidson mentioned the Committee is still discussing the Village garbage pickup issue. He is not sure if the committee will be able to come up with an answer. He would like to see one franchise be in charge of the Village for pick up. He is looking at the wear and tear on the roads. Trustee M. Christensen mentioned there are pros and cons to that. We will see garbage cans on the road side all the time as we do

now. The companies cannot do the complete Village in one day. Trustee Davidson explained residents are not attending the meeting when we discuss this. Mayor Church stated everyone puts there trash out once a week. We looked at having one franchise; we don't feel that is fair. Trustee Davidson stated the committee will discuss it more but doesn't see a solution.

PLANNING BOARD:

Nothing

COMMENTS

MOITON by Trustee Stewart, seconded by Trustee Winslow to approve Dottie Jansen as an alternate for the Historic Commission effective August 17, 2011 for a 1 year term.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

6:36 PM Trustee Allison arrive to the meeting.

Trustee M. Christensen expressed his appreciation to the organizations and staff that responded to the accident on Pre-Emption Road last month (Fire Department, Ambulance, Police Force, EMS and any others). It's not an easy job.

Trustee Stewart questioned again were we are at on the Workplace Violence. He thought everything was completed and we were ready to start training. Mayor Church asked Trustee Stewart to follow up with Atty. Brockman after he returns next week. Trustee Winslow thought there was a cost to the changes – we have already spent \$4, 000 - \$5,000.

ADJOURNMENT:

At 6:40PM MOTION by Trustee Allison, seconded by Trustee C. Christensen to adjourn the regular meeting

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Aye		

Carried

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: