

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, August 18, 2009 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor D. Marchionda Jr.; Trustees R. Church; B. Hoban ; R. Stewart; N. Taylor; Clerk/Treasurer S. Wilber; Director of Public Works E. Balsley; Police Chief Hulse; Parks Director D. Doyle; Assistant Director of Public Works R. Osgood; Fire Chief R. Retorick; MUB Dave Payne

ABSENT: Trustees W. Allison; M. D’Abbracci, Attorney Ed Brockman; CEO B. Lyon; Working Supervisor D. Rapalee; Cemetery Superintendent L. Axtell;

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

PUBLIC:
None

Mayor Marchionda called the meeting to order at 6:28 PM

PUBLIC HEARING - Preservation of Historic Areas

Mayor Marchionda called the Public Hearing for Historic Areas to order at 6:28 PM.

Mayor Marchionda opened the public hearing asking if any concerns or comments from the public with regards to the Public Hearing.

PUBLIC HEARING – Amendment of the Water Chapter

Mayor Marchionda called the Public Hearing for Water Chapter to order at 6:29 PM

Mayor Marchionda inquired again if any comments from the public in regards to the e Historic Areas or the Water chapter. No other comments.

MOTION by Trustee Taylor, seconded by Trustee Church to close both of the Public Hearings at 6:30 PM.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

MOTION by Trustee Taylor, seconded by Trustee Church to approve Resolution No 33-2009 Adoption of Proposed Local Law Amending the “Preservation of Historic Areas” Chapter of the Code of the Village of Penn Yan.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

WHEREAS, a draft of the proposed local law was previously distributed to the Board of Trustees of the Village of Penn Yan; and

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan regarding the proposed local law on August 18, 2009.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law as Local Law 4 of 2009, thereby amending the “Preservation of Historic Areas” Chapter of the Code of the Village of Penn Yan.
2. The Village Clerk, through the Village Attorney, is directed to file such Local Law 4 of 2009 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 a Local Law and amendment of the Village Code.

MOTION by Trustee Taylor, seconded by Trustee Stewart to approve Resolution No 34-2009 Adoption of Proposed Local Law Amending the Water Chapter.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

WHEREAS, a draft of the proposed local law was previously distributed to the Board of Trustees of the Village of Penn Yan; and

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan regarding the proposed local law on August 18, 2009.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law as Local Law 5 of 2009, thereby amending the "Water" Chapter of the Code of the Village of Penn Yan.
2. The Village Clerk, through the Village Attorney, is directed to file such Local Law 5 of 2009 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 a Local Law and amendment of the Village Code.

MINUTES:

MOTION by Trustee Taylor, seconded by Trustee Church to approve the Village Board Minutes from July 21, 2009 and the Special Village Board Meeting from July 23, 2009.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION by Trustee Church, seconded by Trustee Taylor to approve Penn Yan Academy to hold their annual Homecoming Parade on October 3, 2009 starting at 11:00am. The Parade route will travel from the Academy down Keuka Street to Elm Street, on to Liberty Street and back to the school.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Church, seconded by Trustee Taylor to approve the Chamber of Commerce to hold their annual display of handmade scarecrows that will be affixed throughout the downtown business districts. Displays will run from October 9th thru November 2nd.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Hoban, seconded by Trustee Church to approve the Yates County Arts Center on East Elm Street place an Ez-Up tent on the sidewalk for their event on August 22, 2009 from 9:00 am- 3:00pm.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Mayor Marchionda explained the Isaac Walton League would like to hold a Community clean up day for Sept. 19th. They are looking to clean up on the Outlet Trail from Main Street to the Boat Launch.

MOTION by Trustee Hoban, seconded by Trustee Church to approve Resolution No 35-2009 Adoption of Proposed Local Law amending the “Signage Regulations”

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

WHEREAS, a draft of the proposed local law was previously distributed to the Board of Trustees of the Village of Penn Yan; and

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan regarding the proposed local law on June 16, 2009.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law as Local Law 6 of 2009, thereby amending the “Signage Regulations” in the Zoning Chapter of the Code of the Village of Penn Yan.
2. The Village Clerk, through the Village Attorney, is directed to file such Local Law 6 of 2009 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 a Local Law and amendment of the Village Code.

OLD ITEMS:

Trustee Church explained he forwarded information to Atty. Brockman that he had received from Stork Insurance Company regarding the Workplace Violence Prevention Training.

Dan Doyle explained that the Boat Museum Committee is looking for the go ahead from the Village to draw up plans for the proposed site of the Boat Museum at the Boat Launch site. Dan will get with Atty. Brockman regarding the letter to go forward with the plans.

MOTION by Trustee Church, seconded by Trustee Hoban to authorize the Mayor to send a letter to the Boat Museum Committee authorizing them to draw up preliminary plans.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

MAYOR:

MOTION by Trustee Church, seconded by Trustee Hoban to authorize the Mayor to sign the “authorized signature form for the request for funds”. This will allow Dick Osgood and Brent Bodine to be authorized as signers for the Brown Street Water Main project.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

Discussion: Trustee Hoban asked that they keep Clerk/Treasurer Wilber informed.

ATTORNEY:

No report

MOTION: by Trustee Church, seconded by Trustee Taylor to pay current Village and Municipal bills as submitted.

AUDIT:

VILLAGE:			
Paid before Audit - General Fund		\$	00.00
Capital Paid before Audit			00.00
General Fund			111,706.16
Capital Fund			<u>25,234.35</u>
	TOTAL VILLAGE AUDIT:	\$	<u>136,940.51</u>
MUNICIPAL:			
Paid before Audit		\$	131,551.19
Capital Paid before Audit			00.00
Electric Fund			12,134.51
Sewer Fund			28,192.92
Water Fund			17,550.56
Capital Projects			00.00
	TOTAL MUB AUDIT:	\$	<u>189,429.18</u>

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Discussion: Trustee Hoban questioned is the \$25,234.35 for the Firehouse project? Shawna Wilber and Dick Osgood both replied yes.

Trustee Stewart questioned the \$8.10 overspent under the Lifeguards & Beach supplies and the \$44.45 that was included in this warrant. He explained that he did not want to approve the warrant with monies overspent. Dan Doyle explained it was for new ropes at the beaches; he will contact S. Wilber in the morning and transfer funds. S. Wilber asked to have it authorized and to transfer the money tonight.

MOTION by Trustee Church, seconded by Trustee Stewart to transfer \$55.00 from account A7140.5 to A7140.52 to cover the difference.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

FINANCE & ADMINISTRATION:

MOTION by Trustee Church seconded by Trustee Hoban to approve the Clerk/Treasurer open a new bank account for the Village for the Brown Street Water Main CDBG-R.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Discussion: Shawna Wilber explained that this is for the stimulus money for the Brown St. Water Main Project and will be held at Lyons National Bank. Shawna explained the payment reimbursement; the Board approves the expenditure, we send to Community Renewal will wait 7-10 days for the money to be wired to our account, at that time can write checks out. Dick Osgood stated he will explain the payment procedure to the Contractors beforehand.

MOTION by Trustee Church, seconded by Trustee Hoban to approve the annual payment to the Historical Society (Oliver House) in the amount of \$3,500.00

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Church, seconded by Trustee Stewart to approve the annual payment to the Penn Yan Public Library in the amount of \$1,000.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Trustee Church asked the Board to review the package from CH Benefits from Syracuse. Trustee Church asked the Board to review this Group Health Insurance package. Looks like a great plan that could save the Village and employees some significant money. Will review it at next month's meeting in more detail.

PERSONNEL:

MOTION by Trustee Stewart, seconded by Trustee Hoban to approve the Employee Performance Evaluation Form and to begin using this on September 1, 2009.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Stewart, seconded by Trustee Hoban to approve to create a new position of Deputy Director of Public Works for the time period from Aug. 31, 2009 – September 28, 2009.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Stewart seconded by Trustee Hoban to approve to hire Richard Osgood as the Deputy Director of Public Works effective August 31, 2009 at a salary of \$70,054.40

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

PARKS & RECREATION:

PLANNING BOARD:

PLANNING & DEVELOPMENT:

Trustee Hoban explained the meetings for Planning & Development will be the 4th Monday of the month at 4:30 pm. Trustee Hoban explained they are in the process of developing a grant tracking sheet. This will help to review where and what phase each grant is at.

PUBLIC SAFETY:

POLICE DEPARTMENT:

MOTION by Trustee Taylor, seconded by Trustee Stewart to approve Investigator Donovan, Sergeant Dunham and Officer Dawes attend a two day conference regarding Stalking Issues in Watkins Glen, NY on September 23 & 24. No fee.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Trustee Taylor stated she has received the final report for the Administrative Study regarding the Village Police Dept. She reminded the Board they had already received a draft of the report and if they wanted a copy of the final report to contact the Village Clerk. The Village received three copies; one was given to Trustee Taylor, Chief Hulse and the Village Clerks office. Trustee Taylor mentioned she found only a few changes. A title change and they did recommend a phone outside of the Police Department for complaints in case someone needed to contact the Police when the office is unattended. Chief Hulse is aware that they make phones that are equipped with cameras – similar to ATM machines. He will look into cost of outside phones and get back to the Board with the figures. Clerk/Treasurer S. Wilber will get the final copy of the Administrative Study and e-mail it to Board members.

Trustee Taylor discussed the Village Court and mentioned we need to decide where this will be moving to. She recommended we do not need to make a decision tonight. Mayor Marchionda mentioned the County stated it could cost \$30,000 to pay for security to move the Court to their building. He feels this is high. Trustee Taylor suggested a few things – Could dissolve it and have Milo Court take over or place it downstairs in the Village Office, then monitor the Court for 2-3 years – see if it’s making money for the Village. At that time make a decision to dissolve it, move it to the County or keep it in the Village Hall. Trustee Church agreed to move the court to the Village Hall – and monitor it for 2-3 years. Place the Maxwell building up for sale. He explained if we dissolved the Court we still have to pay the Justice through his term. Trustee Taylor mentioned \$30,000 could be less if court was during the day. Trustee Church asked Dick Osgood if he could get an estimate to paint the front of the Maxwell Building.

MOTION by Trustee Church, seconded by Trustee Taylor to approve Dick Osgood to get three quotes and to accept and go with the lowest quote for painting of the front of the Maxwell Building.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

Chief Hulse has received complaints that Village merchants are parking on Main Street and taking up spaces for shoppers. This is a two hour limit for parking and some are abusing it. They would like the Police Dept. to start monitoring this.

Chief Hulse mentioned will be having a Sgt. retire in the fall and would like to call for the list from Civil Service.

MOTION by Trustee Stewart, seconded by Trustee Taylor to contact the County Civil Service office for the Sergeants list.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

Chief Hulse explained the New Police Car should be on the road at the end of the month to replace the old one. He asked if the lights could be declared as surplus. We have already had interest in the vehicle and they could use the lights as well. If they do purchase it they will be changing the color of the lights to reflect colors they use.

MOTION by Trustee Taylor, seconded by Trustee Church to declare the police lights on the old Police car as surplus.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

FIRE DEPARTMENT:

Chief Retorick had the July’s Fire call report.

CODE ENFORCEMENT:

MOTION by Trustee Taylor, seconded by Trustee Stewart to approve Bruce Lyon, CEO to attend a meeting on Thursday, September 10th, 2009 in Alexandria, Bay sponsored by NYS Building Officials Conference. No cost.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

PUBLIC WORKS:

Clerk/Treasurer S. Wilber explained the DPW truck 9 is in bad shape –explained it’s used during the summer for the Park help and during the rest of the year for the Cemetery staff and the DPW crews use it.

MOTION by Trustee Church, seconded by Trustee Taylor to purchase State Bid 2010 Ford F250 pickup truck for DPW to replace Truck 9 1996 Chevy with funds from the DPW equipment reserve.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

Trustee Church explained we received two proposals (1) - Sunrise Insulation for \$24,540.00 and (2) - A-Z Codings of Scranton, Pa. for \$41,340.00 for the new roof on one of our barns.

MOTION by Trustee Church, seconded by Trustee Taylor to award the bid proposal from Sunrise Insulation for \$24,540.00 for the new roof on the Municipal Equipment Barns. The Blue metal building.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

Dick Osgood explained that he is waiting for a MOU (Memorandum of Understanding) from Atty. Brockman regarding the temporary salt barn. Dick also explained that they will be putting in new curb next to the firehouse along with a sidewalk. Will start work after Labor Day on the Lown’s parking lot. Hopes to have Lown’s parking lot paved and restriped sometime in September. Looking at next spring for the parking lot behind the firehouse. He mentioned the Postal mailbox has been moved to Maiden Lane.

STREETS:

CEMETERY:

BUILDINGS:

Mayor Marchionda asked the reason for the color on the new addition of the firehouse. Was discussed to have it repainted to match the brick color of the firehouse. This will be done after we close the project.

MOTION by Trustee Church, seconded by Mayor Marchionda to have Dick Osgood get estimates to repaint the new addition, this will be done after the project is closed.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Absent		

Carried

MUNICIPAL:

MOTION by Trustee Church, seconded by Trustee Taylor to approve the Municipal Board to participate in the AEDs (Automatic External Defibrillators) Grant Program and purchase four (4) AEDs and two for the Village Offices.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Discussion: S. Wilber asked that due to the grant the Village could pay anywhere from \$650.00 to \$1500 – depending on what unit we get. She believes it was around \$650.00 to the middle range. Trustee Church recommends we get two more for the Village Offices.

Trustee Church explained the new East Elm Street water line will be done in three phases. Phase I would affect the area on E. Elm Street from the four corners to just east of Benham Street. The cost of Phase I has been estimated to be \$55,000. This figure represents construction costs; engineering costs are not included. There is money in the Budget for this work.

MOTION by Trustee Church, seconded by Trustee Hoban to approve Bob Elliott of Elliott Engineering Solutions be authorized to prepare plans for Department of Health approval and to move forward with Phase I of the new E. Elm Street water line for a total not to exceed \$55,000.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Church, seconded by Trustee Hoban to approve the proposal from Bob Mathisen of RAM Consulting to conduct an Arc Flash Hazard Analysis at the Welker and Ryder Substations at a cost not to exceed \$8,500.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Church, seconded by Trustee Taylor to authorize the attendance of up to five (5) employees at the Edwin C. Tiff, Jr. Water Supply Symposium being held in Verona, NY September 29th to October 1st. Most participants will only attend one day; there will be no overnight hotel reservations made.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

MOTION by Trustee Church, seconded by Trustee Hoban to approve Village participation along with other municipalities and pay \$1,500 to KWIC (Keuka Watershed Improvement Cooperative) to be used toward their purchase of a Web-Based Wastewater Management System.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Discussed: Mayor Marchionda mentioned he feels the Village residents are double billed. He explained this is an addition to \$8,000 we pay each year.

MOTION by Trustee Church, seconded by Trustee Taylor to approve the Payment Agreements for August in the amount of \$6,032.21.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

ADJOURNMENT:

At 8:11 PM, MOTION by Trustee Church, seconded by Trustee Taylor to adjourn the regular meeting.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Absent	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Absent		

Carried

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: