

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, August 21, 2012 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; R. Stewart; B. Winslow; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief Hulse; Fire Chief R. Simpson; Municipal Chairman R. French; Trustee D. Reeve arrived at 6:04PM; CEO B. Lyon arrived at 6:43 PM

ABSENT:

News Media present: Gwen Chamberlain, Chronicle Express; Jim Miller, Finger Lakes Times; David Speckgoor, Dundee Observer

PUBLIC: Christine Yonge, Kathy Swarthout, Joe Hoff, Peter Gamba, Abby Eaves – Miss Penn Yan, Mark Morris, Representatives from TACFL - Penny Gugino; Helen Dunlap, and Martha Donovan; Jeff Morehouse

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee M. Christensen, seconded by Trustee Allison be it RESOLVED to have an Executive Session to discuss potential promotion of an employee.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MINUTES:

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve the Village Board Minutes from July 17, 2012 and Special Village Board meeting for August 13, 2012

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

GUESTS, PUBLIC REQUEST & COMMENTS:

Penny Gugino, Director with the Tobacco Action Coalition of the Finger Lakes spoke regarding smoking at outdoor areas as parks and playgrounds. A suggestion was made to have a Local Law and policies in place for this. The Tobacco Action is willing to help with no smoking and designated smoking signs. Trustee M. Christensen stated he is in agreement with signs but this policy will be hard to enforce. The Tobacco Action helped placed No Smoking signs at the Little League Ball Park. Miss Penn Yan Abby Eaves this past spring organized a cleanup day for the Lake Street Playground. They placed laminated signs in the area to help control smoking. Signs are now either gone or damaged. She would like more permanent sign placed there. After a lengthy discussion Trustee Stewart asked to have representatives attend the next Parks & Recreation meeting.

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to approve Penn Yan Academy holds their annual Homecoming Parade on Saturday September 22, 2012 at 11:00am. Parade route will travel Keuka Street, Elm Street and Liberty Street back to the Academy.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MAYOR:

Mayor Church read the Proclamation to the Board regarding “Rainbow Junction Day” there 40th Anniversary.

Rainbow Junction Day

Whereas,

The communities near and around Penn Yan acknowledge and appreciate the hard work and support the Childcare Center does daily for our children, and

Whereas,

The Penn Yan Village Board of Trustees is proud to have Rainbow Junction Childcare Center be part of our Community, and

Whereas,

The Board of Trustees and the citizens of the Village wish to recognize the dedication of the staff and many volunteers over the past 40 years

with providing quality childcare and early education to the young children in our Community here in Penn Yan, New York,

Now, therefore be it resolved,

That, I Robert J. Church

Mayor of the Village of Penn Yan

Do hereby designate

Saturday, September 22, 2012 as

“Rainbow Junction Day”

In the Village of Penn Yan.

Dated and signed by the Mayor of the Village of Penn Yan on

this 21st day of August, 2012

Mayor Church asked the Board if they were in agreement for him to sign the KWIC Agreement. He explained this is to stop potential intermunicipal action for heavy industrial land use in Keuka Lake watershed regarding the sewage treatment plant. Joe Hoff a concerned citizen said this is a letter of intent from a coalition of several concerned municipalities for Keuka Lake. Trustee M. Christensen questioned about being used as lobbying group, he asked what does this do to existing village resident’s gas wells on their property. It was mentioned that New York City and Skaneateles areas are protected – we would like the same protection for our area. Mark Morse stated need to get a message out to neighboring Counties like Steuben which could have hydraulic fracturing. After a lengthy discussion it was decided that Mayor Church would use his judgment at Monday night KWIC meeting on whether to sign the agreement.

MOTION by Trustee M. Christensen, seconded by Trustee Winslow to approve Mayor Church signs the revised agreement at Monday’s night KWIC meeting if he is in agreement with wording of the agreement.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ATTORNEY:

MOTION by Trustee Winslow, seconded by Trustee Stewart to authorize Resolution No 40 -2012, amending the Wastewater Management Chapter of the Village Code and setting a Public Hearing for September 18, 2012 at 6:00PM.

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

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on May 15, 2012; and

WHEREAS, modifications to the proposed Local Law have been proposed and made to the proposed Local Law, copies of which have been provided to the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan determines that another public hearing be held based upon the changes to the proposed Local Law.
2. A public hearing shall be held with respect to this proposed Local Law on September 18, 2012 at 6:00 p.m.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Stewart, seconded by Trustee Winslow to authorize Resolution No 41 – 2012, Regarding SEQRA Issues, Setting a Public Hearing and Referral to the County Planning Board of the Local Law and setting a Public Hearing for September 18, 2012 at 6:05PM.

WHEREAS, the Board of Trustees of the Village of Penn Yan has undertaken to Adopt a Moratorium on high impact industrial uses; and

WHEREAS, a proposed Local Law has been prepared and circulated to the Board of Trustees with respect thereto; and

WHEREAS, Moratoriums are Type II actions under SEQRA.

Now Therefore, be it

RESOLVED, that the Board of Trustees designates itself as “lead agency” and determines this local to be a “Type II”

action under SEQRA.

RESOLVED, that a public hearing on the proposed Local Law is hereby scheduled for September 18, 2012 at 6:05 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney; and it is further.

RESOLVED, that the proposed Local Law is referred to the Yates County Planning Board for review and action pursuant to GML §239-M.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to have Mayor sign the Intermunicipal Agreement between the Village of Penn Yan and Town of Milo, relative to the Construction, Maintenance and repair of Land to be developed as a Public Highway in the Town of Milo. (from Himrod Road to the Village’s sewage Treatment plant).

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

COMMUNITY REVITALIZATION:

No updates

MUNICIPAL:

MOTION by Trustee Allison, seconded by Winslow to accept the bid from HMT, Inc. for \$32,075 to perform breaker maintenance at the Ryder substation and to update the relay settings at both the Ryder and Welker substations.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the forgiveness of \$50 of the water and sewer charges billed in July to the Yates County Men’s Slow Pitch League for excessive water use at the Village-owned Larham’s Field since the excessive water usage was the result of vandalism, as documented in a Police report.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

DISCUSSION: Trustee Allison mentioned this is village owned property.

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the proposal from Elliott Engineering Solutions (EES) for \$6,600 be accepted and EES authorized to perform this year’s Stray Voltage Study for the Village.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize Assistant Director B. Jensen to attend the Seneca Lake Pure Waters Annual Meeting held on September 13th in Watkins Glen, NY. Cost \$26.00.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to approve Utility Payment Agreements in the amount of \$9,410.66

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		28,727.66
Electric		204,688.98
Sewer		7,748.32
Water		8,139.13
Capital Projects		
Total Paid Before Audit		\$ 249,304.09
Current Audit:		
General	\$	468,881.98
Community Development - CRC		-
Electric		73,814.32
Sewer		69,043.16
Water		44,859.83
Capital Projects		-
Total Current Audit Items		\$ 656,599.29
TOTAL AUDIT		\$ 905,903.38

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize Resolution No 42 – 2012 Budget Transfer of \$1,700.

Account Id	Account Description	2013 ADOPTED	INCREASE	DECREASE	2013 ANTICIPATED MODIFIED
GENERAL FUND REVENUE TOTAL		0	-	-	0
Expenditures:					
A -1010-0-000	BOARD OF TRUSTEES	6	16,88		6
A -1110-0-000	VILLAGE JUSTICE	7	47,28		7
A -1210-0-000	MAYOR	2	5,68	0) (1,70	2
A -1325-0-000	TREASURER	5	107,02		5
A -1362-0-000	TAX PROCESSING	0	1,90		0
A -1420-0-000	ATTORNEY	4	27,67	0 1,70	4
A -1450-0-000	ELECTIONS	0	2,50		0
A -1610-0-000	GENERAL ADMINISTRATION	0	36,30		0
A -1620-0-000	BUILDINGS	5	72,58		5
A -1621-0-000	BUILDING & GROUNDS	0	20,70		0
A -1622-0-000	FIREHOUSE	0	33,30		0
A -1623-0-000	OLIVER HOUSE	0	7,60		0
A -1624-0-000	LEASED PROPERTY	0	11,50		0
A -1920-4-400	MUNICIPAL DUES	4	2,67		4
A -1990-4-400	CONTINGENCY	0	50,00		0
TOTAL GOVERNMENT SUPPORT		3	443,61	0 1,70 0) (1,70	3
TOTAL PUBLIC SAFETY		1	1,181,76	- -	1
TOTAL HEALTH		0	3,00	- -	0
TOTAL TRANSPORTATION		3	1,164,44	- -	3
TOTAL CULTURE & RECREATION		4	111,27	- -	4
TOTAL HOME & COMMUNITY		4	125,00	- -	4

	1,000,00			1,000,00
TOTAL EMPLOYEE BENEFITS	0	-	-	0
	332,99			332,99
TOTAL DEBT SERVICE	5	-	-	5
GENERAL FUND Expenditure Total	0	1,70	(1,70)	0
TOTAL BUDGETARY PROVISION FOR RESERVES	0	77,00		0
	0	-	-	0
GENERAL FUND APPROPRIATION TOTAL	0	1,70	(1,70)	0
	4,439,09	0	0	4,439,09

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

PERSONNEL:

Trustee Winslow asked the Board to review the sketch regarding office renovations – will review this at a later date.

PUBLIC SAFETY:

Trustee M. Christensen mentioned the Penn Yan Police recently had another big drug arrest of a Rochester man.

POLICE DEPARTMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Chief Hulse and Officer Maciejewski to attend the Missing Persons Tool Box Training on Sept. 17, 2012 in Monroe County. No cost for the training and will use chief’s vehicle for transportation.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, seconded by Trustee Allison to authorize Chief Hulse and Officer Dawes to attend Threat Assessment in School Training at the Ontario County Safety Training Facility on Sept. 18, 2012 from 8:00Am – Noon. No cost for the training and will use chief’s vehicle for transportation.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Chief Hulse to attend the Annual Finger Lakes Law Enforcement Executive Conference in Varysburg, NY Sept. 25th thru 27th. Cost of conference is \$250.00 and will use chief’s vehicle for transportation.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

FIRE DEPARTMENT:

Monthly Fire Department report

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Jul 2012
 run 08-20-2012 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires			
Business Fires	1	11	18.3
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires	4	72	25.4
Other Fires			
Wires			
Other Emergency	6	95	33.6
Automatic Alarm Fires	7	84	25.2
Mutual Aid Scene	1	12	85.2
Public Service			
Vehicle Accident			
Total Fire Calls	19	274	187.7
Medical/Rescue Calls			
First Responders			
Assist Ambulance	3	23	9.4
Other Medical			
Total Med/Resc Calls	3	23	9.4
Total ALL Calls	22	297	197.1
Other Activities			
Courses	10	10	180.0
Drills	5	27	57.8
Monthly Meetings	7	98	135.0
Committee Meetings			
Fire Prevention			
Fund Raising	1	30	90.0
Parades/Cleanup	10	67	170.8
Work Detail			
Wake/Funeral			
Line Of Duty			
Other	5	65	248.8
Total Other Activities	38	297	882.4
*****	***	****	*****
Total ALL Activities	60	594	1079.5

Year to Date Fire Department

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for 2012 YTD
run 08-20-2012 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires	3	105	197.4
Business Fires	1	37	37.6
Grass/Brush Fires	3	45	48.7
Outside Building/Barn Fires	1	34	26.1
Car/Vehicle Fires	3	87	98.5
Other Fires	13	228	75.0
Wires	15	250	160.2
Other Emergency	36	653	270.3
Automatic Alarm Fires	61	863	358.2
Mutual Aid Scene	14	327	342.7
Mutual Aid Standby	3	56	26.6
Public Service	1	19	1.9
Vehicle Accident	5	100	60.3
Total Fire Calls	159	2804	1703.5
Medical/Rescue Calls			
First Responders			
Assist Ambulance	16	201	93.0
Other Medical	1	19	1.9
Total Med/Resc Calls	17	220	94.9
Total ALL Calls	176	3024	1798.4
Other Activities			
Courses	21	21	392.0
Drills	47	447	1109.8
Monthly Meetings	75	841	870.3
Committee Meetings			
Fire Prevention	1	2	4.0
Fund Raising			
Parades/Cleanup	4	68	203.0
Work Detail	67	392	1098.5
Wake/Funeral			
Line Of Duty			
Other	10	138	445.8
Total Other Activities	225	1909	4123.9
*****	***	****	*****
Total ALL Activities	401	4933	5922.3

MOTION by Trustee M. Christensen, seconded by Trustee Winslow to authorize Ted Cox be elected to membership in Ellsworth Hose Company effective 8-7-2012.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, second by Trustee Allison to authorize to remove Charles Garvey from the active roll effective 8-7-2012

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Chief Simpson explained had several people contact FIRETEC regarding truck (E3) no offers yet. Chief Simpson and a few firemen will be heading out next week to Wisconsin for the final inspection of the truck- if all ok will bring it back, then send to Churchville for additional work and back in Penn Yan mid -Sept.

Trustee Winslow reminded everyone the Fireman’s parade is on Sat. this weekend will have chicken Bar B Q and music each night.

CODE ENFORCEMENT:

MOTION by Trustee M. Christensen, seconded by Trustee Reeve to authorize Bruce Lyon to hire a contractor to mow 171 Main Street and apply the cost of mowing plus 10% to be placed on the Village taxes the following year.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

PUBLIC WORKS:

Trustee Allison read and reviewed the SEQR form regarding Repair/Restore Culverts Headwalls & Sidewalls at 136 Burns Terrace.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

DISCUSSION: Trustee Allison explained this project will be fixed with FEMA (Federal Emergency Management money) the problem arose during a storm in April 2011.

Trustee Allison mentioned for the public to please be patience- crews are rebuilding Court Street – this will not get paved until school starts and will be repaving Chapel from Main to Keuka Streets.

PARKS & RECREATION:

Trustee Stewart explained Parks & Public Safety met together this month. Two (2) Representatives (Joe McMahon & Steve Anderson) from the Peasantman – Triathlon were on hand to discuss any concerns the Village had. For the first year will limit the competitors to 1, 2000. Both Public Safety and Parks & Rec. Committees were fine with the event.

Trustee Stewart mentioned the Village Office and himself have received calls complimenting how nice the hanging baskets and flower boxed along Main Street Bridge are this year. They have done an excellent job.

PLANNING & DEVELOPMENT:

Trustee Reeve mentioned Dan Doyle will be working on regulation for the Cemetery and touching up on policies.

PLANNING BOARD:

Trustee Reeve mentioned on August 6th had the public Hearing for the Proposal for one way traffic on Water and Wagner Streets. The public spoke against this.

COMMENTS

Trustee Stewart mentioned Christine Capella-Peters, Historic Sites Restoration Coordinator from the NYS Historic Preservation Office attended the last Historic meeting. She meet with the Commissioners and did an audit, she did make a few suggestions but overall happy with the way things were.

EXECUTIVE SESSION:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to be it RESOLVED to move into Executive Session at 7:34PM. Village Board asked Chief Hulse to attend meeting

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ADJOURNMENT OF EXECUTIVE SESSION:

MOTION by Trustee M. Christensen, seconded by Trustee Winslow to leave Executive Session and return to regular Village Meeting at 8:15 PM.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ADJOURNMENT:

MOTION by Trustee M. Christensen, seconded by Trustee Winslow be it RESOLVED to adjourn the regular meeting at 8:15PM

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: