

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, August 24, 2004 at 7:00 PM in the Maxwell Building, 127 Main Street, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees W. Allison, N. Koek, N. Taylor, G. Smith and M. Christensen; Director of Public Works E. Balsley; Street Superintendent R. Jensen; Village Attorney E. Brockman; Village Treasurer M. Socola; Recreation Director D. Doyle, Police Chief S. Hill, and Code Enforcement Officer B. Lyon

ABSENT: Trustee R. Schwingle, Assistant Director of Public Works R. Osgood, Fire Chief K. Pallar, and Cemetery Superintendent S. Trenchard (who retires Friday, August 27th)

Public Attendees: Lois Sprague, Paul Sprague, Don Hill and others, residents from the Penn Yan/Himrod Road, Dave Simmons, owner of Simtronics Technologies and Joe McCoy, President of Data Ventures, Inc.; Mrs. Armstrong, Anne Gunn, Art Bechhoefer and Bob Hawley (arrived at 7:15 PM)

News Media present: Gina Muscato, Finger Lakes Times, Connie Murphy, Chronicle Express and Peg Thompson, Dundee Observer

Mayor Marchionda called the meeting to order at 7:00 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 Taylor to approve the minutes of the regular Village Board meeting of July 27, 2004 as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Mr. Bechhoefer, 1128 East Bluff Drive, Town of Jerusalem, asked the Mayor what meeting was being held when he came into the Maxwell Building a little before 7:00 PM. Mayor Marchionda informed him again that it was a Finance Committee meeting that began at 6:30 PM (originally scheduled for 2:30 PM), and was open to the public if anyone wished to attend. Mr. Bechhoefer was asked more than once to join the meeting, but refused. He stated that it was an illegal meeting. Then Mr. Bechhoefer wanted to discuss a letter written by Gary Smith. The Mayor informed Mr. Bechhoefer that particular letter had nothing to do with Village business; however, Mr. Bechhoefer kept insisting. Mayor Marchionda pounded the gavel and told him he was out of order. When Mr. Bechhoefer still continued, the Mayor asked Chief Hill to escort Mr. Bechhoefer from the meeting, as he was now causing a disturbance. Finally, Mr. Bechhoefer sat down and was quiet.

Mrs. Lois Sprague, a resident on the Penn Yan/Himrod Road in the Town of Milo was present to complain about the neighboring Meadowside development. She claims the residents were never informed of the pending development although the public hearing was advertised approximately two years ago, and some nearby residents did attend. She also complained about pets being allowed, too much noise and fireworks, and security lights being too bright. Mayor Marchionda explained that although the area was annexed into the Village, the Village does not own the development and they should deal with Conifer Realty. Carol Oster, Project Manager, from Conifer Realty, was present to answer their questions. Paul Sprague and Don Hill were two other residents who complained about similar issues.

► At 7:25 PM, MOTION by Trustee Smith, seconded by Trustee Koek to call a recess so Attorney Brockman and CEO Lyon could attend the Zoning Board of Appeals meeting being held at the present time in the Village Office. The ZBA needed assistance with a legal determination. Unanimously Carried.

► At 7:50 PM, MOTION by Trustee Smith, seconded by Trustee Christensen to re-convene the regular Village Board meeting upon the return of Attorney Brockman and CEO Lyon. Unanimously Carried.

MAYOR:

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the Mayor's appointment of Arthur Pike as a member to the Zoning Board of Appeals for the term ending in 2009. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to approve the Mayor's appointment of William Phillips and Greg Blessings until 2008, and Liz Warren until 2007 as members to the Historic Preservation District Commission. Unanimously Carried.

Mayor Marchionda read a copy of a *Letter to the Editor* written by Robert R. and Eleanor Reynolds, Jean Reynolds Whitaker and Peg Pond sharing the history behind the Village's Pennsylvania - Yankee logo.....
"The families of the late Walter Pond and the late Charles "Chuck" M. Reynolds are very pleased to see that the Penn Yan logo of the Pennsylvanian Dutchman shaking hands with the New England Yankee has been chosen to be incorporated in the weathervane sculpture by Dexter Benedict for the new Penn Yan Village Hall. In 1945 or '46, Walter Pond, then Secretary of the Penn Yan Chamber of Commerce, suggested that Chuck Reynolds, then the Village Recreation Director, design a logo to represent the Village. Walter came up with the idea of the men shaking hands and Chuck, who later became a graphic designer in the Rochester area, created the design. We eagerly look forward to seeing Dexter's latest."

ATTORNEY:

Village Attorney Brockman informed the Board that the new agreement and procedures manual were received late this afternoon from Data Ventures, Inc. After few minor changes are made to the agreement.....

MOTION by Trustee Christensen, seconded by Trustee Koek to authorize the Mayor to sign the two-year Data Ventures, Inc. Agreement after final approval is received from the Village Attorney and the Finance and Public Works Committees.

Record of Vote: Trustee Allison aye
Trustee Taylor aye
Trustee Smith abstained
Trustee Koek aye
Trustee Christensen aye

Motion Carried.

The purchase of a 5'x75' strip of land from Mrs. Townsend for the Village's sub-station off Sherman Street has been finalized.

MOTION by Trustee Allison, seconded by Trustee Christensen to adopt RESOLUTION NO. 33-2004 regarding a new Public Hearing on September 28th at 7:00 PM, to review and ratify SEQR, a Type I Action, draft declaration of significance, designation of lead agency, and referral to the Yates County Planning Board of the 2nd proposed Local Law D of 2004 providing for the addition of special use procedures, manufactured homes regulations, adult use establishment regulations and corresponding definitions to the Village's Zoning Law. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to adopt RESOLUTION NO. 34-2004 regarding the disposition of a 1990 Buick automobile abandoned in the Village of Penn Yan. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Allison to adopt RESOLUTION NO. 35-2004 directing consideration of the issue of operation of snowmobiles on the Outlet Trail within the geographical limits of the Village of Penn Yan. Unanimously Carried.

Attorney Brockman reported that upon receiving copies of deeds for the four properties along Route 14A requested to be rezoned, it was decided that each parcel needed to be surveyed. Either the seller or the buyer will pay for the surveys, as it is not the Village's responsibility.

MOTION by Trustee Koek, seconded by Trustee Allison to adopt RESOLUTION NO. 37-2004 Town of Milo Water District No. 3. Following the Board's successful review of the short EAF, determined to be an unlisted action, the Mayor was authorized to sign the amendment to the Intermunicipal Agreement between the Village and the Town of Milo. Unanimously Carried.

CORRESPONDENCE:

The letter from Michael Linehan, Yates County Chamber of Commerce President, requesting that the trash receptacles on Main Street be replaced A.S.A.P. was discussed. Since the Lions Club donated the current receptacles, it was suggested that maybe the Chamber, itself, or other community clubs, would like to take a turn at donating new ones. The decision concerning the Streetscape grant still has not been determined.

MOTION by Trustee Koek, seconded by Trustee Christensen to approve Penn Yan Academy's request to hold their annual Homecoming Parade on Saturday, September 25th at 12:30 PM commencing in front of the Academy. Chief Hill and Street Superintendent were previously notified. Unanimously Carried.

Mayor Marchionda read a letter from Dick & Judy Jensen, 128 East Lake Road, Town of Milo re: she is "utterly astounded and appalled at the numbers and excessive speed that vehicles – and especially the huge tractor trailer trucks – are approaching the Village from Route 54 south and that there is such a short slow-down zone". Another complaint was "the excessive use of "Jake" brakes by the trucks". Trustee Allison was asked to contact the NYS DOT to discuss these matters.

AUDIT:

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

Village:	Paid before audit—General Fund	3,787.64
	General	20,282.34
	Capital (Vill. Off. Bldg.)	245,941.06
Municipal:	Paid before audit	- 0-
	Electric	155,687.56
	Water	13,323.73
	Sewer	15,269.68
	Capital – Water	62,382.86
	Capital – Sewer	1,474.41

Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith

The last meeting was held today, Tuesday, August 24th at 6:30 PM in the Maxwell Building

Trustee Smith reported that the Village's independent auditors' are preparing the final 2003-2004 Audit for distribution.

PERSONNEL: N. Koek, Chair

Last meeting was held Tuesday, August 10th at 7:00 AM in the Village Office, 2nd fl.

MOTION by Trustee Koek, seconded by Trustee Taylor to accept the resignation, with regret, of Police Officer Patrick C. Manahan from the Penn Yan Police Department, effective August 23, 2004. He is returning to the Yates County Sheriff's Department. Unanimously Carried.

Items #2, #3 and #4 on the agenda were tabled.

MOTION by Trustee Koek, seconded by Trustee Christensen to adopt RESOLUTION NO. 38-2004 Non-union Salary Schedule that reflects a \$.50 an hour increase, retroactive to June 1, 2004. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to increase the part-time summer employees' hourly rate by 2.5%, retroactive to June 1, 2004. Unanimously Carried.

PARKS & RECREATION – Randy L. Schwingle, Chair

The last meeting was held Wednesday, August 18, 2004 at 4:00 PM in the Village Office.

MOTION by Trustee Koek, seconded by Trustee Allison to send Recreation Director D. Doyle to the “Certified Playground Safety Inspectors Course” in Syracuse, NY, December 1-3, 2004. Registration fee is \$380.00 and the exam fee is \$100.00. Unanimously Carried.

Trustee Christensen, who was appointed Village Representative, attended the August 19th *Keuka Lake Structures Team* committee meeting with the surrounding Townships and Villages to research, develop and enact a law regulating permanent docks on Keuka Lake.....

MOTION by Trustee Christensen, seconded by Trustee Smith to adopt RESOLUTION NO. 36-2004 requesting legislature to introduce & the Governor to sign legislation to amend section 46-a of the New York State Navigation law to authorize the Towns of Jerusalem, Milo, Pulteney, Urbana, Barrington & Wayne and the Villages of Hammondsport and Penn Yan in the counties of Steuben and Yates to enact a uniform set of regulations for docks, moorings & boathouses on Keuka Lake; and authorize the Mayor to sign said document. Unanimously Carried.

PLANNING & DEVELOPMENT: M. Christensen

The last meeting was held Monday, August 23rd in the Village Office at 7:00 PM.

Trustee Christensen reported that the committee is continuing with the process of definitions. *Home Occupation* was discussed extensively.

AD HOC BUILDING COMMITTEE:

Last meeting was held Tuesday, August 10th at 6:00 PM in the Village Office.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize the Mayor to sign Change Order Number 001 Contract One, General Construction, Frank J. Marianacci, Inc. as per Change Orders #1, #3, #4, #6, #7, #8 and #11. Unanimously Carried.

Mayor Marchionda thanked the VFW and Mike Willis for purchasing a 40 ft. bronze flagpole with flag to be erected in front of the new Village Hall on Elm Street. It was an appreciated savings to the Village.

PUBLIC SAFETY: N. Taylor, Chair

The last meeting was Monday, Tuesday, August 23rd at noon in the Wagner Inn.

Police Department:

Police Chief Hill informed the Board that a boat has been left overnight at the boat launch for sometime now. He requested an amendment be made to the Code to make it clearer that overnight mooring is prohibited and violators would be ticketed. The Mayor referred this matter to the Parks & Recreation Committee to review the law.

Police Chief Hill also informed the Board that the Sheriff's Department has offered 911 service during the 4PM to 12AM shift, which would allow the Police Officers the opportunity to leave the Police Station so they could be more visible on the streets.

Fire Department: No report

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Allison to reaffirm authorizing the Mayor to sign the Code Enforcement Officer's request to hire a contractor to mow the yards at 405 North Main Street and 30 Northview Drive, per Section 56-5 and the cost will be added to their properties on the 2005-2006 tax roll. Unanimously Carried.

PUBLIC WORKS: W. Allison, Chair

The meeting scheduled for Monday, August 16th at 1:00 PM in the Village Office, 2nd fl. was canceled.

Streets:

Old Business: A second letter was received from the *Penn Yan Dollars for Scholars* for an answer to their request of June 12th

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Mrs. Guenther's request for the *Penn Yan Dollars for Scholars* Chapter to erect signs at two entrances into the Village designating Penn Yan as a *Dollars for Scholars* Community, upon final approval from Trustee Koek. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to hire CJA Contracting to roof the DPW barn at the cost of \$6,500, which was the lowest qualified quote received. Unanimously Carried.

Street Superintendent Jensen reported that the storm sewer improvement project on Cornwell Street is approximately 90 percent finished.

It has been reported that someone (or more) has been driving on the junior football field making “donuts”, thereby damaging the field. Many hours of hard work by volunteers and Village employees have been spent maintaining the field for the community's youth to enjoy. Mayor Marchionda suggested offering a \$250 award from the Trustees own “Sunshine Fund” which they contribute to each payday (not Village taxpayers' money), for information leading to the conviction of the violator(s). All the Trustees agreed.

Thanks were extended to the Street Department for their excellent work on redoing the restrooms at the Elm Street Sports Complex. They are a great improvement.

Cemetery:

A couple of resolutions have been requested by the Cemetery Department: (1) no plots sold between the roadway and the surveyed points for burials in Purchase 6 of Lakeview Cemetery and (2) charging an additional storage fee (basic fee is \$100), after June 1st of each year, of \$10.00 per day for caskets remaining in the cemetery vault. The matter was referred to the Public Works committee for further review.

MUNICIPAL:

Last meeting was held on Thursday, August 19, 2004 at 2:00 PM in the Maxwell Building

MOTION by Trustee Allison, seconded by Trustee Koek to authorize *Payment Request #2* (\$58,642.83) to Western NY Contractors relating to the Walnut Street and Florence Avenue water main improvement project. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Municipal to hire Integrated Building Systems (IBS), the lowest quote received in the amount of \$9,160, to perform the finish work on the steel building at the Wastewater Treatment Plant, if they meet all qualifications. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to approve up-to-five employees to attend the Finger Lakes Water Works Conference Fall Workshop in Geneva, NY on September 9th. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to send Jens Jensen to the Edwin C. Tiff Water Supply Symposium in Liverpool, NY from October 5th to 7, 2004. Unanimously Carried.

OTHER:

MOTION by Trustee Christensen, seconded by Trustee Smith to close Keuka Street, from Court to Chapel Streets, for the hours between 3:00 PM and 6:00 PM on Sunday, September 5th for the residents to hold an old fashion *block party*. Chief Hill saw no problem closing it.

Record of Vote:	Trustee Allison	aye
	Trustee Smith	aye
	Trustee Taylor	aye
	Trustee Koek	abstained
	Trustee Christensen	aye

Motion Carried.

At 9:16 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn into *Executive Session* concerning personnel matters. Unanimously Carried.

(10 minute break)

At 10:20 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn the *Executive Session* and return to the regular meeting. Unanimously Carried.

At 10:21 PM, MOTION by Trustee Allison, seconded by Trustee Koek to adjourn the regular Village Board Meeting. Unanimously Carried.

Linda K. Banach, Village Clerk

*The next Regular Village Board meeting is scheduled for Tuesday, September 14, 2004.

The meeting will not be held in the Maxwell Building, as it is being used to hold the primary election.

