

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, September 13, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

**PRESENT:** Deputy Mayor W. Allison, N. Koek, N. Taylor, R. Schwingle, G. Smith, and M. Christensen; Village Attorney E. Brockman, Village Treasurer M. Socola; Assistant Director of Public Works R. Osgood; Street Superintendent R. Jensen, Police Chief S. Hill; Cemetery Superintendent L. Axtell, CEO B. Lyon and Fire Chief J. House

**ABSENT:** Mayor D. Marchionda, Jr., Recreation Director D. Doyle, and Director of Public Works E. Balsley

Public Attendees: Mrs. Elizabeth Armstrong and Anne Gunn

News Media present: Gina Muscato, Finger Lakes Times; Gwen Chamberlain, Dundee Observer and Eileen Farrar, Chronicle Express

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

**EXECUTIVE SESSION:**

MOTION by Trustee Koek, seconded by Trustee Schwingle to call for an executive session concerning contract negotiations, to be held at this time (7:05 PM). Carried.

At 7:26 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn the executive session and return to the regular meeting. Carried.

**MINUTES:**

MOTION by Trustee Smith, seconded by Trustee Koek to approve the minutes of the August 9, 2005 regular Village Board meeting, as submitted..... Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Robert and Lisa Kriegar, 127 Garfield Avenue re: requested a waiver of the building permit fee he needs in order to repair his house. The fee is \$60.00, and he claims he can't pay both the fee and the cost of materials – only one or the other. By court order, he has to have the repairs completed in ninety (90) days. The Board agreed that they could not waive the fee, as it would start a precedent. They did offer a payment arrangement i.e. \$20.00 for the next three (3) months. Mr. Kriegar withdrew his request for the waiver.

**MAYOR:**

Deputy Mayor Allison, in Mayor Marchionda's name, proclaimed the week of September 17<sup>th</sup> –23<sup>rd</sup>, 2005 *Constitution Week* in the Village of Penn Yan as requested by the Gu-Ya-No-Ga Chapter of the National Society Daughters of the American Revolution.

MOTION by Trustee Koek, seconded by Trustee Taylor to approve the plans for HUBBA, under the direction of Robert Gillespie, to paint a new mural on the north wall of 118 Main Street (next to the mini-park), beginning in the Fall of 2005 with completion planned for Fall 2006. The Historic Preservation Commission has asked the students to be particularly careful with the new plantings in the mini-park. Carried.

MOTION by Trustee Christensen, seconded by Trustee Schwingle to authorize the Village's Local Development Corporation to write a letter supporting the Yates County Empire Zone designation. Carried.

► **CEMETERY:**

*Point of Information:* Lakeview Cemetery Superintendent was asked to report on the *Ritchey Mausoleum* project. The Ritchey family requested that the mausoleum be dismantled, as it was in great disrepair due to years of deterioration. A contractor was hired by the family to take it down. The deceased family members were re-buried, per the Ritchey's request.

**ATTORNEY:**

Attorney Brockman, with the Village Trustees, reviewed Part 1 of the full EAF relative to proposed local law D for rezoning 6.752 acres of land on the West side of NYS Route 14A South. Then Attorney Brockman and the Board completed Part 2 during the meeting; Part 3 was not necessary.....

MOTION by Trustee Schwingle, seconded by Trustee Koek to adopt RESOLUTION NO. 19-2005 declaring a negative declaration, scheduling a public hearing to be held on October 11, 2005 at 7:00 PM, and referring the proposed local law D to the Yates County Planning Board. Carried.

Attorney Brockman, with the Trustees, reviewed Part I of the full EAF, relative to four amendments to the Village Code: (1) proposed local law C - definition changes/additions for Planned Business & Planned Residential to the signage article in the Zoning Chapter (2) proposed local law E - amendment for penalty provision of the Fire Prevention and Building Construction Chapter (3) proposed local law F - amendment for penalty provision of the Housing Standards Chapter, and (4) proposed local law G - amendment for penalty provision of the Solid Waste Chapter. Then the Board and Attorney Brockman completed Part 2 of the full EAF; Part 3 was not necessary.....

MOTION by Trustee Koek, seconded by Trustee Taylor to adopt RESOLUTION NO. 20-2005 declaring a negative declaration, scheduling a public hearing to be held on October 11, 2005 at 7:05 PM, and referring the proposed local laws to the Yates County Planning Board. Record of Vote: Trustee G. Smith – Abstained Carried.

Attorney Brockman briefly reported on the meeting that he and DPW Balsley attended in Dresden, NY on September 7<sup>th</sup> relative to the State's intent to recover clean-up costs of approximately \$3,000,000 they incurred at the Torrey Landfill when it was closed. A number business, i.e. Pennsylvania House, Ferro Corporation, Coach & Equipment and Seneca Foods, are forming a PRP Group (potentially responsible party) to negotiate with the NY Attorney General's Office. The PY Municipal sewage sludge disposal was invited to participate along with other villages, schools, etc. The PRP Group has asked for a list of the hazardous materials that were disposed of in the landfill. Attorney Brockman will keep the Board informed.

MOTION by Trustee Koek, seconded by Trustee Smith authorizing Attorney Brockman to write Data Ventures, Inc. (DVI) to notify them that the Village of Penn Yan will not be renewing their contract. Carried.

A letter received from an attorney representing Janet Butcher concerning her small portion of property that is inside the Village limits (however, the house is not) was discussed. They are requesting to be hooked up to the Municipal sewer line. The existing policy is not to hook up non-Village residents. An option for the Butcher’s would be to request annexation into the Village from the Township they actually reside. The Board directed Attorney Brockman to write a letter explaining the Village’s decision.

Attorney Brockman brought to the Board’s attention that it may be a good idea to put the Code of the Village of Penn Yan on disks in order to facilitate future changes. The Board would like to know the approximate cost this would incur, and if there would be a yearly charge, and the cost of local laws and/or amendments thereafter adopted. Attorney Brockman will inquire and report back to the Board.

Attorney Brockman informed the Board that no decision has been reached at this time concerning the issue of snowmobiles riding on the Outlet Trail. Another Parks & Recreation meeting is scheduled for September 27<sup>th</sup>.

**CORRESPONDENCE:**

MOTION by Trustee Schwingle, seconded by Trustee Koek to grant permission to the Chamber of Commerce and the Retail Council to display hand made scarecrows on Village lampposts, from October 10<sup>th</sup> to November 7<sup>th</sup>. Carried.

Deputy Mayor Allison read a letter from Lu Engineers informing the Board that they are considering hosting a “round table” in our area to discuss planning, zoning and land use issues and addressing both current regulations and proposed legislation. Trustee Christensen volunteered to contact Lu Engineers for further information.

MOTION by Trustee Koek, seconded by Trustee Taylor to approve the permit to erect a banner entitled “*National 4-H Week, October 2-8, 2005*” from September 26<sup>th</sup> to October 10, 2005. Carried.

**AUDIT:**

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

Village:	Paid before audit – General Fund	46,143.44	
	General Fund	71,387.02	
	Capital Fund	9,059.52	
	Local Development Corp.	6,504.36	
Municipal:	Paid before audit – Electric	173,392.23	
	Paid before audit – Water	480.00	
	Electric Fund	38,049.58	
	Water Fund	28,201.83	
	Sewer Fund	23,664.63	
	Capital Electric	475.00	
	Capital Sewer	18,937.78	Carried.

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

Last meeting was held today, Tuesday, September 13<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 Koek to list the “Owl’s Nest” building on Seneca Street with Finger Lakes Realty, with a ninety-day limit. It will also be multiple listed, and the asking price will be around \$80,000. Village Treasurer Socola will obtain an agreement. Carried.

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

Trustee Koek reported that the members voted down the CSEA Contract.

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

The last meeting was today, Tuesday, September 13<sup>th</sup> at 5:00 PM in the Village Hall, 2<sup>nd</sup> floor; the next meeting is scheduled for Tuesday, September 27<sup>th</sup>, same time & place.

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

The last meeting was Monday, August 22<sup>nd</sup> at 7:00 PM in the Village Hall; the next meeting is scheduled for Sept. 26<sup>th</sup>

Trustee Christensen gave an update report from the committee concerning the uniform regulations to restrict and regulate docks, moorings and boathouses on Keuka Lake. The NYS Senate and Assembly passed the bills granting Keuka Lake towns and villages “home rule” to allow them to adopt, amend and enforce local laws. The Village should be receiving the recommended local law from the committee in the near future.

Deputy Mayor Allison reported to the Board that he mailed letters to Yates County, the YCIDA, Milo and Jerusalem Townships, Senator Winner and Assemblyman Bacalles informing and asking them for any assistance available that can help the Village create a waterfront development plan.

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

The last meeting was held Wednesday, August 3<sup>rd</sup> at 6:00 PM in the Village Hall, 2<sup>nd</sup> floor

MOTION by Trustee Schwingle, seconded by Trustee Koek to authorize Deputy Mayor Allison to sign *Change Order No. 2* in the amount of \$765.60 to Frey & Campbell for additional HVAC work completed on the Village Hall/Police Station project. Carried.

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

The last committee meeting was held today, Tuesday, September 13<sup>th</sup> at Noon in the Wagner Inn.

Trustee Taylor reported that the committee has referred the matter of regulations for temporary signs in the Village Code to the Planning Board.

The suggestion from YC Legislature Chair, Robert Multer requesting that a meeting be set up to discuss the possibility of Village Court moving into the Yates County Court House has not been addressed at this time.

Police Department:

MOTION by Trustee Taylor, seconded by Trustee Christensen to hire Michael Rago to the full time position of Police Officer, effective Monday, September 12, 2005. His salary will begin at Step I - \$35,892.00. Carried.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Koek to approve Randall Wilkins's membership into the Hunter Hook and Ladder Company of the Penn Yan Fire Department. Carried.

Trustee Taylor informed the Board that the Public Safety Committee has given permission to the Fire Department to make minor repairs and paint the inside of the Fire House. Yates County inmates will do the painting. Also, authorization has been granted to replace the broken equipment that rings into Fire Control when the fire alarm is activated. It's possible that it was struck by lightning; maybe this is covered under the Village's insurance coverage?

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve CEO Lyon to attend the *State Fire Prevention & Building Code Council* sponsored by the NYSBOC in Alexandria Bay, NY on Thursday, September 15<sup>th</sup>, beginning at 10:00 AM. Carried.

MOTION by Trustee Taylor, seconded by Trustee Schwingle to authorize CEO Lyon receiving Hepatitis A & B (5 or 6) shots, as recommended by Dr. DeWitt. The shots are approximately \$80.00 each. CEO Lyon is to check with the County Public Health to find out if he can get free shots through them. Carried.

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

The next meeting is scheduled for Monday, September 19<sup>th</sup> at 1:00 PM in the Village Hall, 2<sup>nd</sup> fl.

Streets:

Deputy Mayor Allison complimented the Department of Public Works (Street Superintendent Jensen & Assistant Director of Public Works Osgood and crew) on the great job they did reconstructing/repairing Walnut Street with the concrete gutters and the paving on East Elm Street, Florence Avenue, upper Sunset, Orchard Lane, Hillcrest Drive and Country Court. A lot of hard work and effort was put into these projects.

Buildings:

Deputy Mayor Allison informed the Board that the rental property at 361 Elm Street would not be ready to rent for quite awhile. Repairing, renovating and painting needs to be done before it can be rented.

**MUNICIPAL:**

The last meeting was held Thursday, September 8<sup>th</sup> at 2:00 PM in the Village Hall, 111 Elm St; next is scheduled for Wednesday, Oct. 5<sup>th</sup> at 2:00 PM

MOTION by Deputy Mayor Allison, seconded by Trustee Schwingle to approve Assistant Director of Public Works Osgood's request to take time off from work on Friday, September 30<sup>th</sup> to attend the *Erosion Control/Stormwater Design* seminar in Syracuse, NY, at no cost to the Village/Municipal. Carried.

MOTION by Deputy Mayor Allison, seconded by Trustee Taylor to approve *Payment No. 2* in the amount of \$3,434.25 to be paid to Schuler-Haas Electric for work completed on the Cherry Street Pump Station Upgrade project. Carried.

MOTION by Deputy Mayor Allison, seconded by Trustee Taylor to accept the quote in the amount of \$10,850 from Pugsley Overhead Door Systems to replace four overhead doors and to repair three existing doors at the Municipal barns. Carried.

MOTION by Deputy Mayor Allison, seconded by Trustee Christensen to approve Director of Public Works Balsley and Village Treasurer Socola to attend the IEEP Annual Meeting in Syracuse, NY on Thursday, October 6<sup>th</sup>, at no cost. Carried.

MOTION by Deputy Mayor Allison, seconded by Trustee Schwingle to approve up to six employees to attend the FLWWC Fall Meeting being held at the Crooked Pines Golf Club in Macedon, NY on Thursday, October 6<sup>th</sup>, at the member's cost of \$42 for the full clams buffet or \$25.00 for the buffet without clams. Carried.

MOTION by Deputy Mayor Allison, seconded by Trustee Christensen to approve Village Treasurer Socola attending the NYS Environmental Facilities Corporation of Albany Co-Funding seminar in Niagara Falls, NY on Thursday, October 13<sup>th</sup>, at the cost of mileage reimbursement only. Carried.

MOTION by Deputy Mayor Allison, seconded by Trustee Koek to advertise for a Public Hearing to be held on Tuesday, October 11<sup>th</sup> at 7:10 PM for increasing the water rate charged for the *water salesman* at the Water Treatment Plant. Carried.

MOTION by Dpty. Mayor Allison, seconded by Trustee Schwingle to declare Jef Bodine's old truck #10 as surplus equipment, as well as advertise for sealed bids to sell it. Carried.

MOTION by Trustee Schwingle, seconded by Trustee Christensen to appoint Kurt Gilbert to the position of *Wastewater Treatment Plant Mechanic* (Group III) effective Monday, September 12, 2005. Carried.

**OTHER BUSINESS and/or ANNOUNCEMENTS:**

Trustee Christensen extended a thank you to Randy (Street Superintendent) and his crew for taking such good care of the ball fields at the Elm Street Sports Complex this last summer. It's appreciated.

Trustee Christensen reiterated that he is very concerned with Sherman Street. Because the bridge is non-existent, there is only one way in and out which is unsafe and inadequate.

The next regular Village Board Meeting is scheduled for Tuesday, October 11<sup>th</sup>.

**ADJOURNMENT:**

At 9:45 PM, MOTION by Trustee Christensen, seconded by Trustee Schwingle to adjourn the regular meeting.

Carried.

---

Linda K. Banach, Village Clerk

