

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, September 14, 2004 at 7:00 PM in the Village Office, 3 Maiden Lane, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees W. Allison, N. Koek, N. Taylor, and M. Christensen; Assistant Director of Public Works R. Osgood; Village Attorney E. Brockman; Village Treasurer M. Socola; Police Chief S. Hill, and Code Enforcement Officer B. Lyon

ABSENT: Trustees R. Schwingle and G. Smith, Director of Public Works E. Balsley, Street Superintendent R. Jensen, Recreation Director D. Doyle, and Fire Chief K. Pallar

Public Attendees: Dave Simmons, owner of Simtronics Technologies, resident Bill Burg, Mrs. Armstrong, Anne Gunn, an unidentified male and Town of Jerusalem resident Art Bechhoefer

News Media present: Gina Muscato, Finger Lakes Times and Connie Murphy, Chronicle Express

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Koek, seconded by Trustee Taylor to hold an *Executive Session* at the end of the meeting concerning personnel matters and pending litigation. Unanimously Carried.

MINUTES:

MOTION by Trustee Christensen, seconded by Trustee Allison to approve the minutes of the regular Village Board meeting of August 24, 2004 as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

None

MAYOR:

▫The Mayor read a letter from the Senior District Executive Advisor of Camp Gorton thanking the Village for supporting Scouting through volunteers employed by the Village. Police Sergeant Michael Donovan donated his time by taking his Troop to the Boy Scouts camp as a unit leader.

▫Mayor Marchionda announced, as a point of information, that late this afternoon Mr. Bechhoefer served the Village with another Article 78 from Robert Hawley. The Village will once again have to spend (unbudgeted) taxpayers' money to defend this unnecessary lawsuit. The next budget will certainly increase due to this action and it's an absolute shame.

ATTORNEY:

▫Village Attorney Brockman informed the Board that the Data Ventures, Inc. Agreement with the Village has been signed.

▫Nothing new to report since the last Village Board meeting relative to the proposed rezoning of 4 parcels along Rt. 14A near bowling alley.

▫The *Indemnification, Hold Harmless & release Agreement* was referred to the next Village Board meeting.

▫Attorney Brockman is researching whether the Village must annex Village owned properties located outside the Village limits, ie. the former Patchett property near the WWTP and Purchase 6 of Lakeview Cemetery.

▫Attorney Brockman received notification from the Association of Towns of New York State in Albany, that legislation was passed that will adversely affect the return of significant fee revenue to towns. Justice Court monies from vehicle violations that have been returned to the local government by the State Justice Court Fund will no longer be returned. This will result in local governments increasing the real property taxes to absorb the resulting deficits. Letters should be written to New York State Governor Pataki, the State Senator and Congressperson to support the restoration of these monies back to the towns and other affected local governments. Trustee Taylor will find out more about this at the New York State Association of Counties she will attend next week.

CORRESPONDENCE:

Mayor Marchionda read a letter from Jay Hollister, Race Director of the Penn Yan/Keuka Lake Triathlon, thanking the Village for its support. They raised a total of \$2450.51 for the Yates County Chapter of the American Red Cross. Police Chief Hill added that they also reimbursed wages to the Village for the Police coverage.

MOTION by Trustee Christensen, seconded by Trustee Koek to approve Cornell Cooperative Extension's request to hang a banner, entitled "National 4-H Week October 3-October 9, 2004" across Main Street from October 4th to October 11, 2004. Unanimously Carried.

AUDIT:

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

Village:	Paid before audit—General Fund	280.00
	General	27,314.60
	Capital (Vill. Off. Bldg.)	128,916.95

Unanimously Carried.

Municipal: No audit at 9/9/04 MUB Meeting

FINANCE & ADMINISTRATION: G. Smith

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

MOTION by Trustee Koek, seconded by Trustee Christensen to authorize Village Treasurer Socola and Village Attorney Brockman to consult with a bankruptcy attorney to find out what options the Village has to collect from customers who file for bankruptcy and still owe the Municipal substantial sums for water, sewer and electric bills. Unanimously Carried.

PERSONNEL: N. Koek, Chair

Last meeting was held Tuesday, September 14th at 7:00 AM in the Village Office, 2nd fl.

MOTION by Trustee Koek, seconded by Trustee Christensen to authorize the appointment of Lynn Axtell to the position of *Cemetery Superintendent*, with a 1-year probation period, effective Monday, September 13th at an annual salary of \$30,000. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to authorize the Clerk to advertise in the paper, the vacant full-time position for *Cemetery Groundskeeper* to work in the Village's Lakeview Cemetery. Beginning wage is \$12.87 an hour, plus benefits. The position has already been advertised internally. Unanimously Carried.

Trustee Koek informed the Board that four interviews have been scheduled for the position of *Water Treatment Plant Operator Trainee* on Tuesday, September 21st beginning at 4:00 PM in the Maxwell Building.

MOTION by Trustee Koek, seconded by Trustee Christensen to hire Stan Trenchard (newly retired Cemetery Superintendent) to fill-in for Lynn Axtell, when and if necessary, at \$16.48 an hour, until a Groundskeeper is hired and trained. Unanimously Carried.

PARKS & RECREATION – Randy L. Schwingle, Chair

The meeting scheduled for Wednesday, September 15th at 4:00 PM in the Village Office has been canceled.

No report

PLANNING & DEVELOPMENT: M. Christensen

The last meeting was held Monday, August 23rd in the Village Office at 7:00 PM; next meeting scheduled for September 27th

Have not met since the last Village Board meeting – no report.

AD HOC BUILDING COMMITTEE:

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

▫Mayor Marchionda informed the Board that Dexter Benedict's sculpture/lightening rod of the Village's logo (the Pennsylvanian and the Yankee shaking hands) is completed. As soon as the dome is erected on the new Village Hall, which could be as soon as next week, the weather vane can be placed on top.

▫Assistant Director of Public Works Osgood gave a brief up-to-date report of the progress of the new Village Hall/Police Station. The exterior is probably 95% completed, and the interior construction ie. dry wall, plumbing, wiring, etc. is about 90% completed. Plan is to pave and install curbs in the next couple of weeks. The guess-estimate moving date is November.

▫Village Treasurer Socola has received three quotes from companies to terminate and test the cabling installed in the new Village Hall by others: (1) Trilata \$10,000 (2) ICS Telecom \$12,280 and (3) Merit Electric \$16,100. After reviewing, the least expensive qualified company will be hired.

PUBLIC SAFETY: N. Taylor, Chair

The next meeting is scheduled for Friday, September 24th noon in the Wagner Inn.

Police Department:

The Village would need a resolution to impose a \$10.00 surcharge on fines for local vehicle and traffic violations occurring between September 1, 2004 and September 1, 2005, and which are subject to the state mandatory surcharge. Attorney Brockman, Trustee Taylor, Police Chief Hill and Village Treasurer Socola will review this matter and prepare a resolution if one is needed.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve the removal of Jamie Andersen from the "Active Roll" of the Penn Yan Fire Department. Unanimously Carried.

MOTION by Trustee Taylor, seconded by Trustee Allison to authorize the Mayor to sign the *2004-2005 Agreement between the Village and the Penn Yan Fire Department*. The agreement will be retroactive to June 1, 2004.

Unanimously Carried.

Code Enforcement:

MOTION by Trustee Christensen, seconded by Trustee Koek to approve CEO Lyon, a member of the FLBOA, to attend the NYSBOC in Ithaca, NY on Thursday, September 16, 2004 in order to support Scott Copp in the election for President.

Unanimously Carried.

PUBLIC WORKS: W. Allison, Chair

The next meeting is scheduled for Monday, September 20th at 1:00 PM in the Village Office, 2nd fl.

Streets:

▫Trustee Allison informed the Board that Walnut, East Elm (not in front of the Moose Club) and Cornwell Streets would be paved next Monday, Tuesday and Wednesday.

▫Assistant Director of Public Works Osgood wants the Village to be aware of any and all decisions made pertaining to the *Route 14 Scenic Corridor* project as it may effect Route 14A's traffic flow through the Village.

MUNICIPAL:

Last meeting was held on Thursday, September 9, 2004 at 2:00 PM in the Maxwell Building
No report.

OTHER:

MOTION by Trustee Allison, seconded by Trustee Taylor to set *Trick or Treat* hours from 6:00 PM to 8:00 PM on Halloween, Sunday, October 31st. Unanimously Carried.

At 8:06 PM, MOTION by Trustee Allison, seconded by Trustee Christensen to adjourn into *Executive Session* concerning personnel matters and pending litigation. Unanimously Carried.

(10 minute break)

At 8:40 PM, MOTION by Trustee Allison, seconded by Trustee Christensen to adjourn the *Executive Session* and return to the regular meeting. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Taylor to promote Police Officer Mark S. Hulse to the rank of Sergeant, effective September 16, 2004. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Allison to retain *Harris Beach LLP*, once again, to defend the Village against another Article 78 petitioned by Robert Hawley served late this afternoon by Art Bechhoefer. Unanimously Carried.

At 8:44 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 28, 2004 in the Maxwell Building.