

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, September 28, 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, R. Schwingle, M. Christensen and G. Smith; Director of Public Works E. Balsley; Village Attorney E. Brockman; Village Treasurer M. Socola; Street Superintendent R. Jensen; Recreation Director Doyle and Code Enforcement Officer B. Lyon

ABSENT: Assistant Director of Public Works R. Osgood, Police Chief S. Hill, Cemetery Superintendent Axtell; and Fire Chief K. Pallar

Public Attendees: Mrs. Armstrong, Zoning Board member Karol Hartman, resident Mrs. Birmingham, and two Town of Jerusalem residents

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.

MOTION by Trustee Koek, seconded by Trustee Smith for the Mayor to open the Public Hearing for Local Law D of 2004 amending the Zoning Law of the Village of Penn Yan by providing for the addition of special use procedures, manufactured homes regulations, adult use establishment regulations and corresponding definitions.

Unanimously Carried.

Mayor Marchionda asked if there were any comments; no one spoke at this time; the hearing was left open.....

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Christensen, seconded by Trustee Koek to hold an *Executive Session* at the end of the meeting concerning pending litigation.

Unanimously Carried.

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Christensen to approve the minutes of the regular Village Board meeting of September 14, 2004 as submitted.

Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

None

■ Village Trustee Taylor, who is also a Yates County Legislator, was told that she was mentioned in a letter published in the Chronicle Express, "To the Editor", written by Robert Hoban, a former 1-term County Legislator. Mr. Hoban insinuated that she, and fellow Legislator Marchionda have not availed themselves to the proposition of shared services between the County and the Village in order to cut expenses. Trustee Taylor went on record that "shared services" certainly have been considered, but after extensive research on the matter, it was found not to be workable for either government at this time.

MAYOR:

MOTION by Trustee Christensen, seconded by Trustee Allison to adopt RESOLUTION NO. 39-2004 Designation of Licensing Officer.

Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Koek to retain Harris Beach, Attorneys at Law, to defend the Village against an Article 78 received September 22nd petitioned by Ignatius D. Scott, served by Robert Hawley.

Record of Vote:	Trustee Christensen	Aye
	Trustee Koek	Aye
	Trustee Schwingle	Aye
	Trustee Allison	Aye
	Trustee Smith	Abstain
	Trustee Taylor	Aye

Motioned Carried.

ATTORNEY:

MOTION by Koek, seconded by Allison to table the proposed resolution pertaining to the Village's implementation of a \$10.00 surcharge on local convictions of vehicle and traffic violations occurring between September 1, 2004 and September 1, 2005, and which are subject to the state mandatory surcharges.

Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Schwingle to authorize the Mayor to sign the *Indemnification, Hold harmless & Release Agreement* pertaining to the abandoned 1990 Buick transferred to Yates County upon the receipt of, and with the approval of Attorney Brockman.

Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to authorize a survey of the property in Lakeview Cemetery, known as Purchase 6, to be annexed into the Village, and to authorize Attorney Brockman to commence with the annexation process.

Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize Attorney Brockman to move forward with the annexation process for the area, formerly known as the "Patchett property".

Unanimously Carried.

Mayor Marchionda asked if anyone wished to speak concerning proposed Local Law D of 2004.....

MOTION by Trustee Allison, seconded by Trustee Christensen to close the Public Hearing on proposed Local Law D of 2004 amending the Zoning Law of the Village of Penn Yan.

Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Allison to adopt RESOLUTION NO. 40-2004 Adoption of Village of Penn Yan Zoning Amendment Local Law D of 2004, now known as Local Law No. 04-2004. Unanimously Carried.

CORRESPONDENCE:

MOTION by Trustee Schwingle, seconded by Trustee Koek to approve Penn Yan Academy’s request to hang a banner, entitled “Academic Excellence Day”, across Main Street from November 15th to November 22, 2004. Unanimously Carried.

Mayor Marchionda read a letter from the Yates County Chamber of Commerce who has received numerous complaints about the fire horn alerting the community. They believe the horn is excessively loud and disrupts the community. Following discussion, the matter was referred to the Public Safety Committee who was asked to confer with the Fire Department to obtain their recommendation for an alternative. The Board would like a solution by the October 12th Village Board meeting.

The Mayor also read a letter from the New York State Comptroller’s Office who conducted a risk assessment survey of the Village’s fiscal operations, stating that “nothing came to our attention indicating the Village was in need of further services from us at this time”, a favorable review. It was explained that the survey is conducted both at random and at the request of a third party.

AUDIT:

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

Village:	General Fund	10,927.94
	Paid before audit – Capital Fund	2,116.00
	Capital (Vill. Off. Bldg.)	344,575.85
Municipal:	Paid before audit – Electric	13,353.72
	Paid before audit – Water	1,819.83
	Paid before audit – Sewer	68,721.98
	Electric	157,945.83
	Water	22,908.85
	Sewer	21,955.42
	Capital – Water	56,622.86
	Capital – Sewer	3,798.70

Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith

The last meeting was held Monday, September 27th at 2:30 PM in the Village Office.

Trustee Smith informed the Board that the Village received a good report from the independent auditors, Eldredge, Fox & Porretti, who presented their *Auditor’s Exit Report* for the fiscal year ending May 31, 2004 yesterday afternoon. Copies of the Audit Report are available in the Village Clerk’s office for anyone’s review.

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 hire Matt Yonts, presently a Water/Sewer Maintenance Worker (Group V), to the new position of *Water Treatment Plant Operator Trainee*, Group IV, Step 2 at \$15.61 an hour, the effective date to be determined at a later time. The *Trainee* position is for one year. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to authorize the Clerk to post internally, per the CSEA Contract, the position of *Water/Sewer Maintenance Helper*. Unanimously Carried.

Trustee Koek informed the Board that the Personnel Committee and Cemetery Superintendent Axtell will review the applications received for the position of *Cemetery Groundskeeper* this Thursday, in order to hire someone as soon as possible.

MOTION by Trustee Koek, seconded by Trustee Taylor to hire Michael L. Rago as a part-time Police Officer, effective as of this date. 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.

Trustee Schwingle informed the Board that the Village has received the first payment, in the amount of \$25,000, from the grant to be used for the *skate park*. The Lions Club prepared the grant, which totals \$34,500. The Clerk was asked to write a thank you letter to the Lions Club for their time, effort and success.

PLANNING & DEVELOPMENT: M. Christensen

The last meeting was held Monday, September 27th in the Village Office at 7:00 PM.

The committee continued reviewing proposed definitions to add to the Village Code.

AD HOC BUILDING COMMITTEE:

MOTION by Mayor Marchionda, seconded by Trustee Koek to authorize the Mayor to sign the *G701 Change Order* with Contractor Blackmon Farrell Electric, Inc., which will decrease the contract sum by \$3,108. Unanimously Carried.

PUBLIC SAFETY: N. Taylor, Chair

The last meeting was held Friday, September 24th at noon in the Wagner Inn.

Police Department:

MOTION by Trustee Taylor, seconded by Smith to authorize Chief Hill to switch over the Village Police Department phones up to 911 at Yates County for the second shift. It would discontinue any walk-ins, and free the Police Officers to patrol. After further discussion.....

MOTION by Trustee Koek, seconded by Trustee Christensen to table the matter until they can speak with Chief Hill again. Unanimously Carried.

MOTION by Trustee Taylor, seconded by Trustee Allison to approve Police Chief Hill attending the annual Law Enforcement Executive Seminar in Varysburg, NY from September 28th to the 30th. The cost is \$260.00 all-inclusive. Unanimously Carried.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Allison to approve the removal of Joseph Trautman from the "Active Roll" of the Penn Yan Fire Department. Unanimously Carried.

Code Enforcement:

MOTION by Trustee Taylor, seconded by Trustee Allison to authorize the CEO to hire a contractor to mow the yards at 405 North Main Street and 222 North Avenue, per Section 56-5 of the Code of the Village of Penn Yan. The cost will be re-levied on their Village taxes. Unanimously Carried.

PUBLIC WORKS: W. Allison, Chair

The last meeting was held Monday, September 20th at 1:00 PM in the Village Office, 2nd fl.

Streets:

MOTION by Trustee Allison, seconded by Trustee Smith to declare the 1974 blue flusher as surplus equipment. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to sell the abovementioned equipment to the Town of Barrington for the amount of \$3,000, if they are still interested. Unanimously Carried.

Street Superintendent Jensen announced that when leaf pick-up begins, they would not pick-up leaves if they are mixed with brush or other yard debris. They are only picking up leaves.

MUNICIPAL:

Last meeting was held on Thursday, September 23, 2004 at 2:00 PM in the Maxwell Building

MOTION by Trustee Allison, seconded by Trustee Christensen to approve *Payment Request No. 3* in the amount of \$45,111.69 to Western New York Contractors, Inc. for the Water Main Improvements project on Walnut Street and Florence Avenue. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen for the Village and the Municipal to share the cost of \$204. to renew Treasurer Socola's Certified Public Accountancy License. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve of the Municipal's recommendation to allow the Yates County Sheriff's Department to install brackets for security cameras on Municipal poles #7-2 and #7-3 on the south side of the Public Safety Building. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize to send no more than six employees to the Finger Lakes Water Works Conference Fall Workshop at Crooked pines Golf Club on Thursday, October 14, 2004. Unanimously Carried.

At 8:25 PM, MOTION by Trustee Christensen, seconded by Trustee Koek to adjourn into *Executive Session* concerning pending litigation. Unanimously Carried.

(10 minute break)

At 9:30 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn the *Executive Session* and return to the regular meeting. Unanimously Carried.

At 9:31 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn the regular Village Board Meeting. Unanimously Carried.

Linda K. Banach, Village Clerk

*The next Regular Village Board meeting is scheduled for Tuesday, October 12, 2004 in the Maxwell Building.

