

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, October 9, 2007 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda, Jr.; Trustees W. Allison; M. Christensen; R. Church; B. Hoban; N. Taylor; Attorney Brockman; Clerk/Treasurer S. Wilber; CEO B. Lyon; Director of Public Works E. Balsley; Police Chief G. Mitchell; Parks Director D. Doyle; Assistant Director of Public Works R. Osgood; Street Superintendent R. Jensen.

**ABSENT:** Trustee M. D'Abbracci; Fire Chief B. Winslow; Cemetery Superintendent L. Axtell; Waste Water Treatment Plant Chief Operator Ben Sward.

News Media present: Gwen Chamberlain, Chronicle Express; Amanda Folts, Finger Lake Times

**PUBLIC:** Liz Armstrong; Betty Sands; Mike Clancey, Mr. Armstrong, Jeff Stewart

Mayor Marchionda called the meeting to order at 7:05 PM.

**MINUTES:**

MOTION by Trustee Christensen, seconded by Trustee Church to approve the Village Board Minutes from September 11, 2007. Carried

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Christensen, seconded by Allison to have an Executive Session after the Village Board Meeting to discuss a personnel issue. Carried

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Rev. Tarp was inquiring about any unclaimed bicycles that might be available to distribute to a Utica Church. It was questioned if the News Media could possibly place an ad and try to have the bikes claimed by the right full owners. Need a good description of it before handing it over. Will wait and see if any get retrieved before doing anything. Other possibility is an auction or e-bay.

Betty Sands inquiring about feline issue on Benham Street. Atty. Brockman had a number of items to help control but probably not a cure for it.

License cats for a fee-wear it with a collar as dogs do now.

Photo the cat for identifying purpose.

Limit number of cats in a home would also require a license.

Not able to run at large.

Not a leash law, but require they are not able to leave owners yard or home.

Village could hire an Animal Control Officer to impound and provide redemption for feline running at large. Possible a contract with Humane Society - they care for them- have a system for a certain amount of time - Owner pay for all services when they retrieve them.

Another is Trap-Neuter and Release -expense and need someone to do this.

Have provision added in Law for nuisance.

Have provisions added in the probation for abandonment in the local Law.

The County Dog Patrol Office has no jurisdiction over this or any desired to do so.

Atty. Brockman would like an AD HOC committee with Trustee D'Abbracci, Trustee Hoban & Atty. Brockman to review the issue before next month.

**MAYOR:**

MOTION by Trustee Church, seconded by Christensen to approve the Penn Yan area Churches to hold annual Turkey Walk on Sunday October 28, 2007. Carried

MOTION by Trustee Allison, seconded by Trustee Christensen to approve Star Shine on Friday December 7, 2007 from 5:00 - 9:00pm. Carried

Discussion: Mayor Marchionda, Jr. questioned about the assistance from the Police- Fire Police for Star Shine. Decide to so same as last year. Chief Mitchell will check with Mike Linehan at Chamber.

MOTION by Trustee Christensen, seconded by Trustee Church to approve the appointment of Mrs. Ruth Davis and Mr. Edwin Larsen Jr. to fill the vacancies on the Penn Yan Zoning Board of Appeals. Carried

Atty. Brockman just received the information on Signage. He would like time to review the proposal for the Signage issue and get back with the Board next month.

Mayor Marchionda received a bill today for reimbursement for two new tires \$270.00. The individual mentioned he drove over a hole that the manhole was off. He got out and replaced it. Next morning called reported it to the police Department. Seven days later called back again said I have another bad tire. Did not give us prior notice of the situation. Was advised by our Atty. not to pay the bill. Atty. Brockman will draft a letter to the individual.

**ATTORNEY:**

Atty. Brockman mentioned he received Part 1 back - of the Amendment to Subdivision Code: providing for a lot line adjustment exemption from the subdivision regulations and requiring sidewalks in subdivisions. He asked that a copy of Part 1 and Part 2 be given to the Board for their review. Will go over this step-by-step at next months Board meeting.

Atty. Brockman stated in regards to the Jerusalem Sewer contract he asked the Clerk to set up a meeting with the litigation Attorneys, himself and the appropriate parties of the Village within the next few weeks.

Atty. Brockman spoke about the Brown Street Rezone/Survey. He received the survey map of area - in the process of drafting a proposal of a local law for rezoning. Will have more information next month.

Atty. Brockman briefly mentioned the Audit for fire Dept being done by independent auditors.

Atty. Brockman circulated a letter to the Mayor & Trustee on recommendations on the Comprehensive Plan. Suggestions were:

- Retain an outside firm to prepare plan.
- Have your own Planning Board or Trustee to do it them selves.
- Special Board – consient of Planning Board, Historical, someone from the Business Community and members of the Board.

Atty. Brockman suggested that the special AD HOC Board would consist of people from the Chamber, Historical Committee, 1-2 Planning Board. Mayor suggested that himself, Trustee Christensen & Trustee Hoban be on it.

MOTION by Trustee Christensen, seconded by Trustee Hoban to authorize the AD HOC Master Planning Committee with the authorization Village Board to advertise and see if any Community residents would be interested on sitting on the committee. Carried

Trustee Christensen mentioned that Mike Linehan from the Chamber would be on it. Cliff Orr agreed to be on it. Carl Schwartz to get a few names to Trustee Christensen.

MOTION by Trustee Church, seconded by Trustee Hoban to pay the current Village and Municipal bills as submitted:

<b>VILLAGE:</b>			
	Paid before Audit - General Fund	\$	14.58
	General Fund		82,574.11
	Capital Fund		-
	<b>TOTAL VILLAGE AUDIT:</b>	<b>\$</b>	<b>82,588.69</b>
<b>MUNICIPAL:</b>			
	Paid before Audit	\$	188,618.38
	Capital Paid before Audit		-
	Electric Fund		52,535.20
	Sewer Fund		45,094.45
	Water Fund		43,074.63
	Capital Projects		16,755.77
	<b>TOTAL MUB AUDIT:</b>	<b>\$</b>	<b>346,078.43</b>
			Carried

**FINANCE & ADMINISTRATION:**

MOTION by Trustee Church, seconded by Christensen to purchase a folding a machine from Pitney Bowes for \$12,815 with an adjustable yearly maintenance agreement. Carried

Discussion- Mayor Marchionda wonders where is the funding coming from. S. Wilber stated mostly from water/sewer.

MOTION by Trustee Church, seconded by Christensen to lease a mail machine from Pitney Bowes for \$252.00 per month, includes annual maintenance. Carried

**PERSONNEL:**

MOTION by Christensen, seconded by Church to accept the retirement letter on Jens Jensen effective October 30, 2007. Carried

Discussion- Mayor Marchionda all Board would like to express their gratitude for all the hard work and the dedicated (31) years that Jens had committed to the Village/Water Plant. Mayor Marchionda stated no matter what happened or what was broken or failed he would come in and fix it – get the job done. Again many Thanks

MOTION by Trustee Christensen, seconded by Taylor to accept Sergeant Randy Andrews's resignation effective September 12, 2007. Carried

Discussion- Trustee Taylor and the Board members would like to Thank Sergeant Andrews for his 12 years of dedicated service to the Village.

**PARKS & RECREATION:**

Dan Doyle Director of Parks -informed us bathrooms are now closed at the parks & tables to be picked up in November.

**PLANNING BOARD:**

Trustee Hoban wonder if they could incorporate an add with the AD HOC Committee for Board Members for the Village Planning Board/ZBA. Would ask applicants to send in a resume.

MOTION by Trustee Hoban, seconded by Trustee Allison to recommend Stuart Brown & Assoc. as a grant writer. Carried

Discussion – Trustee Allison and Trustee Hoban explained that Stuart Brown would let us know if a good or bad chance of getting a grant. No retainer required. If not looking good for the grant, no charge – if a good chance we could get a grant would charge.

MOTION by Trustee Hoban, seconded by Trustee Allison to have Stuart Brown & Assoc. to do an income survey for \$500.00. Carried

Trustee Hoban spoke about the Keuka Lake Outlet project – Stuart Brown wanted to keep everyone informed on what is going on. Get their feeling on developing the property. Let them be aware. Trustee Hoban trying to set up meeting with Fireman about the field. All the way down the outlet up to Lake Street.

Trustee Hoban mentioned what a great job Planning & Development and any others that worked on the Walgreen's project did - on how great it looks. Knows how difficult things can be. Should be proud.

**PLANNING & DEVELOPMENT:**

Trustee Christensen feels the Planning Board & Planning & Development needs to identify – what are the functions of the committees.

**PUBLIC SAFETY:**

Trustee Taylor informed the Board the new Police car is in service. E-bay account set up.

MOTION by Trustee Taylor, not seconded - she is in favor to approve one person to Basic school for Police Officers in January. Decline

MOTION by Trustee Christensen, seconded by Trustee Hoban to approve Chief Mitchell to send two people to Basic school for Police Officers in January.

Trustee Christensen	Aye	
Trustee Allison	Aye	
Trustee Church	Aye	
Trustee Hoban	Aye	
Mayor Marchionda	Aye	
Trustee Taylor	Nay	Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to have Chief Mitchell bring a list of recommendations/applicants for the open Sergeants positions at next months meeting. Carried

**POLICE DEPARTMENT:**

MOTION by Trustee Taylor, seconded by Trustee Christensen to declare the following as surplus items;  
Six small 35mm cameras  
One Pentax K-1000 35mm camera with flash and bag  
One Panasonic RN-36 miniature tape recorder in case  
One portable Audio –music Key Board  
Approximately 60 bicycles Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve one or two Officer (s) to attend an asset forfeiture seminar in Hopewell, October 24th, 2007 No fee - Officer (s) to be named later. Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve one Officer to attend Training on Party Dispersal Techniques for Underage Drinking Parties, November 1st, 2007. No fee Officer to be named later.

Chief Mitchell stated that he decided to send Office Dawes. Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to send Officers Dawes and Dunham to attend a one-day course on Death investigations in Hopewell, October 11th, 2007 No fee. Carried

**FIRE DEPARTMENT:**

Trustee Taylor reminded the board the Annual Inspection for the Firehouse is Wednesday, October 10, 2007 at 7:00pm.

Trustee Taylor reminded everyone this is Fire Prevention Week (Oct. 7 - 13).

MOTION by Trustee Taylor, seconded by Trustee Christensen to elect Robert Church in the Ellsworth Hose Company of the Penn Yan Fire Department. Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to elect Eric Stinson in the Hunter Hook & Ladder Company of the Penn Yan Fire Department. Carried

MOTION by Trustee Taylor, seconded by Trustee Christensen to elect Alex Kuehne in the Sheldon Hose Company of the Penn Yan Fire Department. Carried

MOTION by Trustee Taylor, not seconded to approve the \$3,500 additional cost for the fire truck due to changes.

After discussion ...

MOTION by Trustee Christensen, seconded by Trustee Allison to table the approval for the additional cost of \$3,500 for the fire truck due to changes in the building of the equipment. Discuss more at next months meeting. Carried

**CODE ENFORCEMENT:**

Trustee Taylor spoke to D. Osgood about junk/trash being cleaned out of the Maxwell building. Will be cleaned out.

**PUBLIC WORKS:**

MOTION by Trustee Allison, seconded by Trustee Church to hire David Anderson to determine the feasibility of connecting Himrod Road with the Village property- down by Sewer Treatment plant. Carried

Trustee Allison stated quote is minimum of \$1,600 and maximum is \$1,900. Had conversation with Town of Milo and they will split cost.

**STREETS**

Street Superintendent R. Jensen stated will be paving middle of next week - Clinton St. from Walnut to Hamilton and Northview.

Have been doing some survey on future work - so will have them in place for future roadwork.

Have a leaf machine - we are in line for a Chipper with state grant -- Randy stated going to try and it takes about 1-½ years for it.

**MUNICIPAL:**

MOTION by Commissioner LeClaire, seconded by Commissioner Payne that the Village and Electric Fund buy truck #9 from the Water/Sewer Department and that the Water/Sewer Department then purchase a new truck which will be used as the new chipper truck.

A clarification was made to the above Motion.

New MOTION by Allison, seconded by Hoban that the current old truck # 9 will become the Chipper truck then the Water/Sewer will buy a new truck #9 – which is a small dump. Carried

MOTION by Trustee Allison, seconded by Trustee Christensen to approve the Application for Payment from Western NY Contractors in the amount of \$16,755.77. Carried

Trustee Church question what this was for - Trustee Allison mentioned this is what we held back from the water line on Main Street.

MOTION by Trustee Allison, seconded by Trustee Church to authorize one person to attend the MEUA Engineering Workshop, October 17th & 18th in Liverpool. Carried

MOTION by Trustee Allison, seconded by Trustee Church to authorize Director Ed Balsley as the Village's delegate at the MEUA Workshop- October 17th and 18th. Carried

Ed Balsley stated have three new switches at the St. John's Substations - Also mention that it is under consideration to rename the St. John's Substations.

Dick Osgood mentioned he is investigating an extension of a sewer up on North Main. Very preliminary right now.

**ADJOURNMENT:**

At 9:45 PM, Trustee Allison, seconded by Trustee Church to adjourn the regular meeting. Carried

Call to order of the Executive Session at 9:55 PM.

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 10:55 PM, MOTION by Trustee Christensen, seconded by Trustee Taylor to leave Executive Session and return to the regular Village Board Meeting.

Carried

**ADJOURNMENT:**

At 11:07 PM, Trustee Allison, seconded by Church to adjourn the regular meeting. Carried

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**

The next Regular Board Meeting is scheduled for Tuesday, November 13, 2007 at 7:00 PM.