

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, October 11, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees N. Taylor, W. Allison, N. Koek, G. Smith, and M. Christensen; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood; Police Chief S. Hill; Village Treasurer Socola; CEO B. Lyon; Recreation Director Doyle and Fire Chief Housel

ABSENT: Trustee R. Schwingle, Cemetery Superintendent L. Axtell and Street Superintendent R. Jensen

Public Attendees: Larry & Marion Strickland, Elizabeth Armstrong, several Yates Snow Travelers Association members and B. Hawley
News Media present: Eileen Farrar, Chronicle Express

Mayor Marchionda called the meeting to order at 7:05PM and led the Pledge Allegiance to the Flag.

PUBLIC HEARINGS, as advertised:

At 7:06 PM, Mayor Marchionda opened the public hearing for proposed Local Law D – rezoning 6.752 acres on the West side of Route 14A South.....asked if there were any comments.....no one spoke

At 7:07 PM, Mayor Marchionda opened the public hearing for proposed Local Law C – definition changes/additions for Planned Business & Planned Residential to the signage article in the Zoning Chapter of the Village Code, and Local Law E – amendment for penalty provision of the Fire Prevention and Building Construction Chapter, and Local Law F – amendment for penalty provision of the Housing Standards Chapter, and Local Law G – amendment for penalty provision of the Solid Waste Chapter.....asked if there were any comments.....B. Hawley asked if the Code Officer could enforce signs put up at the bottom of Cherry Street? CEO Lyon explained to Mr. Hawley that the signage he is talking about does not pertain to this public hearing. Proposed Local Law C deals with signs located in Planned Business and Planned Residential zones. Attorney Brockman asked Mr. Hawley to submit a written complaint to the Clerk’s Office.

At 7:12 PM, MOTION by Trustee Allison, seconded by Trustee Christensen to close the public hearing for proposed Local Law D. Carried.

At 7:13 PM, MOTION by Trustee Koek, seconded by Trustee Allison to close the public hearing for proposed Local Laws C, E, F & G. Carried.

At 7:15 PM, Mayor Marchionda opened the public hearing for proposed Resolution No. 23-2005 – amendment to Chapter 198-16.1 (3) of the Code of the Village of Penn Yan to correct the water rate charged for the “*water salesman*” at the Water Treatment Plant to twenty-five cents for each 55 gallons purchased.....asked if there were any comments.....no one spoke.....

MOTION by Trustee Christensen, seconded by Trustee Allison to close the public hearing for Resolution No. 23-2005. Carried.

MOTION by Trustee Christensen, seconded by Trustee Smith to adopt RESOLUTION NO. 23-2005. Carried.

EXECUTIVE SESSION:

MOTION by Trustee Taylor, seconded by Trustee Christensen to hold an *Executive Session* at the end of the regular meeting concerning a personnel matter. Carried.

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Koek to approve the minutes of the September 13, 2005 regular Village Board meeting, as submitted..... Carried.

► Guests, Public Requests & Comments – see page 3

MAYOR:

Mayor Marchionda announced that, in the Village of Penn Yan, *Halloween* hours will be 6:00 PM to 8:00 PM on Monday, October 31, 2005.

ATTORNEY:

MOTION by Trustee Smith, seconded by Trustee Taylor to authorize the Mayor to sign the “*Sell Contract*” with Finger Lakes Realty for listing the “Owl’s Nest” building. Carried.

At this time, Attorney Brockman asked Recreation Director Doyle, to hand out packets that pertain to the recommendations from the Parks & Rec. Committee concerning snowmobiles on the Keuka Outlet Trail. The Trustees are to review same before calling for a public hearing at the next Village Board meeting. Attorney Brockman complimented the Committee for their time and effort and for doing a good job.

MOTION by Trustee Koek, seconded by Trustee Allison to adopt RESOLUTION NO. 24-2005 Approval to Purchase Skate Park Equipment with Grant Funds. Carried.

MOTION by Trustee Christensen, seconded by Trustee Smith to authorize the Mayor to sign the “*Notice of Intent NOT to Renew Contract*” with DVI. Carried.

In reference to the request from Mrs. Butcher, who is not a Village resident, to be hooked-up to the Village sewer line, it is now up to her (or her attorney) to ask the Village Board to annex her entire property into the Village.

Attorney Brockman gave an update report on the *Yates County Torrey Landfill* issue.

CORRESPONDENCE:

MOTION by Trustee Allison, seconded by Trustee Smith to approve the permit to erect a banner across Main Street from November 14th to the 21st entitled “Academic Excellence Day”.

Record of vote: Trustee Taylor Abstained Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to approve the Penn Yan Area Council of Churches’ request to hold their annual *Turkey Walk* on Sunday, November 6th beginning at 1:30 PM. Carried.

A letter was received from Darren Champlin requesting a waiver from the Village. He wants permission to drive his empty 53’ tractor trailer on North Avenue to the Birkett Mills transloading facility where he parks the truck for a few days between trips. The Mayor and Trustees had no objection, however, they referred the matter to Police Chief Hill and Attorney Brockman.

The *StarShine* Committee has requested permission to hold a wine tasting in the Struble building from 5:00 PM to 9:00 PM on December 2nd during the annual *StarShine* celebration. It was decided that if the wine tasting is held in the building, the Village has no say. If they hold the event out front of the building, the Village Board will have to have more information. The Clerk will confer with committee member Rhonda Cook.

AUDIT:

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

Village:	Paid before audit – General Fund	11,752.15
	General Fund	165,012.35
	Capital Fund	3,250.00
Municipal:	Paid before audit – Electric	187,221.66
	Paid before audit – Water	375.00
	Paid before audit – Sewer	7,500.00
	Electric Fund	16,438.47
	Water Fund	58,524.44
	Sewer Fund	22,621.10
	Capital Electric	754.80
	Capital Sewer	2,875.12

Carried.

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

Last meeting was this afternoon, Tuesday, October 11th at 2:00 PM in the Village Hall, 111 Elm Street, 2nd fl.

MOTION by Trustee Smith, seconded by Trustee Allison to adopt RESOLUTION NO. 21-2005 “UNPAID VILLAGE TAXES”. Carried.

MOTION by Trustee Smith, seconded by Trustee Taylor to authorize the Village Treasurer to give the Police Department fifty dollars (\$50.00) as a “change fund” to facilitate making change when cash payments are received. Carried.

Trustee Smith informed the Board that he and Treasurer Socola met with the Village’s independent auditors, Eldredge, Fox & Porretti, LLP, this afternoon to discuss the finalization of the 2004-2005 budget and the management letter. It was a favorable report, and is available for review.

Trustee Allison announced that there would be a “Village Auction” held this Saturday, October 15th, in the parking lot and offices at 3/5 Maiden Lane. It begins at 9:00 AM.

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

The last meeting was Tuesday, October 4th at 7:00 AM in the Village Hall, 2nd fl.

Trustee Koek informed the Board that the CSEA Union members recently ratified the contract with the Village.....

MOTION by Trustee Koek, seconded by Trustee Christensen to adopt RESOLUTION NO. 22-2005 “RATIFYING LABOR AGREEMENT WITH CSEA” covering the period from June 1, 2005 to May 31, 2009. Carried.

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

The last meeting was Tuesday, September 27th at 5:00 PM in the Village Hall, 2nd floor; today’s meeting was canceled.

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

The meeting scheduled for Monday, September 26th at 7:00 PM in the Village Hall was canceled.

Trustee Christensen contacted Jim Mueller at Lu Engineers informing him that the Village would be happy to hold a “round table” session, with them as host, to discuss planning, zoning and land use issues, etc.

Trustee Christensen informed the Board that sometime in the near future, a public hearing would have to be held to make into law uniformly regulating docks, moors and boat houses on Keuka Lake. The Village of Hammondsport and the Townships bordering Keuka Lake will be doing the same.

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

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the final payment of Application No. 13, in the amount of \$3,011.21, to Blackmon-Farrell Electric, Inc. for the Village Hall/Police Station (Phase II) project. Carried.

Mayor Marchionda announced that the Village would be hosting an *Armed Services Memorial Garden Dedication Ceremony* on Saturday, October 29th at 2:00 PM, in front of the new Village Hall. Everyone is welcome.

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

The last meeting was held Thursday, September 8th at Noon in the Wagner Restaurant; no meeting was scheduled for today.

Police Department:

MOTION by Trustee Taylor, seconded by Trustee Koek to approve Sgt. Donovan and Officer Mace to attend the *Juvenile Firesetter's Intervention Course* in Montour Falls, NY on October 24, 25 & 26th. The Yates County Fire Investigation Team will cover all costs. Carried.

Fire Department:

MOTION by Trustee Taylor, seconded by Trustee Christensen to approve the membership of Derek Christensen into the Hydrant Hose Company within the Penn Yan Fire Department. Carried.

At the September 13th Village Board meeting, a list of building renovations for the Penn Yan Fire Station was submitted to the Board members. Trustee Christensen asked what's been decided as priorities and when can they be done? The answer was that it would be at least November before they could get to the foundation footer repairs.

The Penn Yan Fire Department will hold their annual *Inspection Ceremony*, tomorrow evening, Wednesday, October 12, 2005 beginning at 7:00 PM at the Fire House.

Trustee Taylor informed the Board that the Yates County inmates have painted the upstairs interior walls of the Fire House, and they did a very good job. Fire Chief Housel also spent many hours at the Fire House with this project.

Code Enforcement:

It was reported that FEMA has put CEO Lyon on alert, that he could be called anytime to travel to Louisiana to assist with the housing problems in New Orleans and surrounding area.

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

The last meeting was held on Monday, July 18th at 1:00 PM in the Village Hall, 2nd floor

Buildings:

General maintenance and repairs are still being done on the Village's rental house at 361 Elm Street. The plan is to have it finished before the New Year.

MUNICIPAL: The last meeting was Wednesday, October 5th at 2:00 PM in the Village Hall, Room 210

MOTION by Trustee Allison, seconded by Trustee Christensen to approve Payment Application No. 2 in the amount of \$13,921.25 to Blackmon-Farrell Electric, Inc. for work completed on the Water Treatment Plant Finished Water VFD Installation project. Carried.

The Village agreed with the Municipal's recommendation that a meeting be scheduled between the Village/Municipal and the Uptown Services, LLC to discuss wireless technology.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve up to five employees to attend the Joint Edwin C. Tiff, Jr. Water Resources Symposium November 15th – 17th in Liverpool, NY with no overnights by using Village/Municipal vehicles to travel back & forth. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve up to two employees to attend the NYMPA Semi-Annual Meeting on October 27th in Liverpool, NY at a cost of \$35.00 per person. Carried.

MOTION by Trustee Christensen, seconded by Trustee Allison to grant Bengt Sward, Waste Water Treatment Plant Chief Operator, who does not have any benefit days left, a one week, unpaid, leave of absence to travel to Sweden to visit his Mother who is very ill. Carried.

Director of Public Works Balsley announced that at September's meeting, the Village of Penn Yan was presented with the *Diamond Jubilee Award* in recognition as a founding member of the MEUA of New York State since July 11, 1930.

The next Municipal Board meeting is scheduled for Thursday, November 3rd at 2:00 PM in Room 210.

► GUESTS, PUBLIC REQUESTS & COMMENTS:

Valarie AR Quinn and Marcia Rogoff from Rainbow Junction, Ltd. A Childcare Center arrived to help support the letter they wrote requesting the use of the multi-purpose room in the Village Hall's basement. They would like to use it from November 30th to December 14th for the annual "Christmas In America" walk through display. They would need the building open and available to the public during StarShine hours on December 2nd, the weekends of December 3rd/4th and December 10th/11th and the weekdays in between from the afternoon onto 7:00 PM. The display will be supervised during open hours, and they will clean-up everything in the multi-purpose room when finished. They plan to ask for a donation at the door from the visitors, as a fundraiser. They also carry their own insurance coverage.....

MOTION by Trustee Koek, seconded by Trustee Allison to approve Rainbow Junction's request to use the Village's multi-purpose room, as stated above. The Board will be notified of any pertinent details before they setup. Carried.

ADJOURNMENT INTO EXECUTIVE SESSION:

At 8:30 PM, MOTION by Trustee Allison, seconded by Trustee Koek to adjourn into *Executive Session*. Carried.

At 9:30 PM, MOTION by Trustee Allison, seconded by Trustee Christensen to adjourn the *Executive Session*. Carried.

ADJOURNMENT:

At 9:50 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn the regular meeting. Carried.

Linda K. Banach, Village Clerk

► The next regular Village Board Meeting is scheduled for Tuesday, November 8th at 7:00 PM in the Village Hall, Room 202.

