

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, October 16, 2012 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor R. Church.; Trustees W. Allison; C. Christensen; M. Christensen; D. Reeve; R. Stewart; B. Winslow; Clerk/Treasurer S. Wilber; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief Hulse; CEO B. Lyon; Fire Chief R. Simpson; Municipal Chairman R. French, Member B. LeClaire

Town of Milo Board members: Supervisor Leslie Church; Milo Council Dale Hallings; James Harris; Arden Sorensen, Jr.; Gene Spanneut; Deputy Supervisor John Socha; Clerk/Tax Collector Patricia Christensen; Atty. Robert Foster

ABSENT: Attorney Ed Brockman

News Media present: Gwen Chamberlain, Chronicle Express; Jim Miller, Finger Lakes Times; David Speckgoor, Dundee Observer

PUBLIC: Dale Lane, Samantha Lane, Bucky Lane, Mark Morris; Atty. Katie Henderson

Mayor Church called the joint Special Village Board meeting with the Town of Milo to order at 6:00 PM.

PUBLIC HEARING - Proposed Annexation of property on Sherman Street

At 6:00 PM **MOTION** by Trustee Reeve, seconded by Trustee C. Christensen to open the joint Public Hearing with the Town of Milo for Proposed Annexation of property on Sherman Street.

Mayor Church read and reviewed in full; Part II of the SEQR with the Village Board. At the same time Town of Milo Supervisor L. Church reviewed Part II of the SEQR with the Milo Town Board. Mayor Church asked if anyone had any comments or concerns. Mayor did state each Board needs to present their own Resolution.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to accept the SEQR to annex a.623 acre of land from Milo to the Village of Penn Yan.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Milo Supervisor L. Church Read Milo’s Resolution and Milo Board approved it. Mayor Church mentioned with the Village’s Attorney out of town we will review the Village’s Resolution at our Board meeting in November.

At 6:16 PM **MOTION** by Trustee Allison, seconded by Trustee M. Christensen to close the joint Special Village Board meeting with Town of Milo.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mayor Church asked again if anyone had any comments or concerns. No comment. Mayor reminded both Boards we have 90 days to approve or deny the annexation.

At 6:16 PM **MOTION** by Trustee Allison, seconded by Trustee M. Christensen to close the Public Hearing.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

PUBLIC HEARING – Increase in Public Sidewalk Replacement Rates

At 6:17 PM **MOTION** by Trustee M. Christensen, seconded by Trustee Winslow to open the Public Hearing regarding Increase in Public Sidewalk Replacement Rates.

Mayor Church asked if anyone had any comments regarding this. No Comments

At 6:19PM **MOTION** by Trustee M. Christensen, seconded by Trustee C. Christensen to close the Public Hearing.

MOTION by Trustee M. Christensen, seconded by Trustee Allison to authorize Resolution No 49-2012 Increase in Public Sidewalk Replacement Rates.

WHEREAS, the Department of Public Works of the Village of Penn Yan has recommended to the Board of Trustees of the Village of Penn Yan that the rate for sidewalk replacement pursuant to Code §174-6 be increased; and

WHEREAS, a public hearing was held on October 16, 2012, before the Board of Trustees of the Village of Penn Yan, due notice thereof having been given by posting and publication.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues and determined this action to be “Type II” as the action will have no detrimental effect on the environment. Therefore, no environmental assessment has been undertaken.

NOW THEREFORE BE IT RESOLVED, THAT

1. Pursuant to the provisions of §174-6 of the Code of the Village of Penn Yan the rate charged for sidewalk replacement shall be \$6.00 per square foot of public sidewalk replaced, effective as of the date hereof.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

CALL FOR EXECUTIVE SESSION: No call for Executive Session tonight

MINUTES:

MOTION by Trustee C. Christensen, seconded by Trustee Allison to approve the Village Board Minutes from September 18th, 2012 and Special Village Board meeting September 27, 2012.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

GUESTS, PUBLIC REQUEST & COMMENTS:

Mark Morris, a County Legislator for Milo announced to the Village Board he is in support of sharing County Sales Taxes with the Village, Mayor Church and the Village Board were pleased and applauded. Mayor would like to sit down with Mr. Morris to discuss this more.

Mayor Church mentioned the Annual Turkey Walk sponsored by Penn Yan Area Council of Churches will be on Sunday November 4, 2012. Starting at 1:00 PM from the Presbyterian Church.

MAYOR:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Mayor Church signs the Indemnification Agreement between the Town of Milo and the Village.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Winslow, seconded by Trustee Reeve to authorize Resolution No. 50-2012 Proposed Local Law amending the Zoning Chapter of the Code of the Village of Penn Yan To Create an Overlay Zoning District and set a Public Hearing for Tuesday, November 20th, 2012 at 6:15 PM.

WHEREAS, the Planning Board of the Village of Penn Yan deems it appropriate to recommend a Local Law creating an overlay zoning district; and

WHEREAS, a proposed Local Law has been distributed to the Board of Trustees; and

WHEREAS, the Board of Trustees intends to act as lead agency for the purposes of the review of this proposed Local Law under the provisions of SEQRA; and

WHEREAS, it appears that there will be significant changes to land use standards by the adoption of such a Local Law, such adoption should accordingly be deemed a “Type I” Action pursuant to SEQRA and therefore a full Environmental Assessment Form (FEAF) will be prepared.

Now Therefore, be it

RESOLVED, that the Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action; and it is further

RESOLVED, that the Board of Trustees of the Village of Penn Yan determines that the adoption of such a local law is a “Type I” Action under SEQRA and therefore a Full Environment Assessment Form (FEAF) should be prepared; and it is further

RESOLVE, a public hearing with respect to this matter shall be held on November 20, 2012 at 6:15 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize Mayor Church and Shawna Wilber, Clerk/Treasurer to attend a conference on Coping with the Cap in Syracuse, NY on Wednesday October 17. No cost for conference will be reimbursed for mileage.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mayor Church read the Academic Excellence Proclamation in full to the Village Board.

MOTION by Trustee C. Christensen, seconded by Trustee Reeve to authorize the Mayor to sign the Proclamation for Academic Excellence Day for November 13, 2012.

**Academic Excellence Day
Whereas,**

The community of Penn Yan and the Penn Yan schools benefit from academic excellence, and

Whereas,

The Penn Yan Village Board of trustees is proud of the academic excellence in our School, and

Whereas,

The Board and the citizens of the Village do wish to recognize the students and the Teachers of our local schools,

Now, therefore be it resolved,

That, I, Robert J. Church

Mayor of the Village of Penn Yan

Do hereby designate

Tuesday, November 13, 2012 as

“Academic Excellence Day”

In the Village of Penn Yan.

Dated and signed by the Mayor of the Village of Penn Yan on

this 16th day of October, 2012

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

ATTORNEY:

No update

COMMUNITY REVITALIZATION:

MOTION by Mayor Church, seconded by Trustee M. Christensen to authorize the grant/loan application for Roto Salt; total of \$15,000. \$7,500.00 grant and \$7,500.00 loan.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the attendance of two Municipal Electric crew employees to attend training on the Gamewell system in Georgetown, Massachusetts for a cost not to exceed \$1,500.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee C. Christensen to authorize going out for bids for 6-50 KVA and 6-25 KVA pole mount transformers.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to approve the request for water bill relief from the Yates Community Center in the amount of \$233.68.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize Seaway Earth & Pipe, LLC be awarded the contract to construct the new water main on Keuka and Water Streets per their bid of \$140,200.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve Utility Payment Agreements in the amount of \$17,810.53.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

FINANCE & ADMINISTRATION:

MOTION: by Trustee C. Christensen, seconded by Trustee Winslow to pay current Village and Municipal bills as submitted.

WARRANT:

		Amount:
Paid Before Audit:		
General		26,416.36
Electric		214,576.35
Sewer		8,367.69
Water		8,868.45
Capital Projects		
Total Paid Before Audit		\$ 258,228.85
Current Audit:		
General	\$	89,738.82
Community Development - CRC		-
Electric		121,161.29
Sewer		78,430.24
Water		23,802.82
Capital Projects		-
Total Current Audit Items		\$ 313,133.17
TOTAL AUDIT		\$ 571,362.02

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

PERSONNEL:

MOTION by Trustee Winslow, seconded by Trustee Allison to accept Steve Hill’s resignation effective Oct. 1, 2012.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

Discussion; Trustee Winslow mentioned Officer Hill was a part time officer since his retirement from the Chief position in 2007. Office Hill has been an great asset to Village.

PUBLIC SAFETY:

Trustee M. Christensen discussed the Street light at East Main and Lake Street. He mentioned it had been discussed to treat this light the same as the blinking light at the Middle school. It was brought to his attention this afternoon that the DOT Officials do not recommend making a change. Trustee M. Christensen has spoken with various business owners and residents in this vicinity - they support the light returning back to flashing. Trustee M. Christensen stated there has been no interest in changing it to a regular traffic light nor have there been any complaints with the previous flashing light. It was suggested to move the light and hardware to another area possibly Main and Clinton Street. Mayor Church sees both sides –he has no opinion on either way. He sees it does slow traffic down when coming down from East Main; also see the congestion on bridge by vehicles – hard for emergency vehicles to get through. Trustee M. Christensen explained he was understood the light would return to blinking as before the bridge project. Still not sure who made the decision to keep it as a regular traffic light. After a discussion it was decided to have this discussed more at the November’s Public Safety meeting.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to remove the previous motion which had been tabled.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to rescind their initial motion from October Board meeting that the traffic light at East Main and Lake Streets be returned to a blinking light.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

Discussion: Trustee M. Christensen stated this topic will be taken back and discussed at the Public Safety meeting in November.

POLICE DEPARTMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to declare the following items as surplus and sell at the action. (PY Police Department and cemetery items).

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
 Nays 0 Abstain 0 Absent

FIRE DEPARTMENT:

Monthly Fire Department report

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Sep 2012
 run 10-15-2012 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires			
Business Fires			
Grass/Brush Fires	2	27	4.9
Outside Building/Barn Fires			
Car/Vehicle Fires	3	78	36.0
Other Fires	1	28	5.6
Wires	3	41	32.9
Other Emergency	5	77	67.4
Automatic Alarm Fires	11	188	33.4
Mutual Aid Scene			
Mutual Aid Standby			
Public Service			
Vehicle Accident	2	44	17.7
Total Fire Calls	27	483	197.9
Medical/Rescue Calls			
First Responders			
Assist Ambulance	2	18	5.9
Other Medical			
Total Med/Resc Calls	2	18	5.9
Total ALL Calls	29	501	203.8
Other Activities			
Courses			
Drills	8	91	201.5
Monthly Meetings	5	69	54.0
Committee Meetings			
Fire Prevention			
Fund Raising			
Parades/Cleanup			
Work Detail	5	22	49.5
Wake/Funeral	1	16	12.0
Line Of Duty			
Other	4	9	24.5
Total Other Activities	23	207	341.5
*****	***	*****	*****
Total ALL Activities	52	708	545.3

Year to Date Fire Department

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for 2012 YTD
run 10-15-2012 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires	5	161	368.4
Business Fires	1	37	37.6
Grass/Brush Fires	5	72	53.6
Outside Building/Barn Fires	1	34	26.1
Car/Vehicle Fires	6	165	134.5
Other Fires	14	257	80.7
Wires	21	335	259.7
Other Emergency	50	884	403.8
Automatic Alarm Fires	79	1193	419.8
Mutual Aid Scene	17	377	405.3
Mutual Aid Standby	3	56	26.6
Public Service	1	19	1.9
Vehicle Accident	9	167	92.6
Total Fire Calls	212	3757	2310.6
Medical/Rescue Calls			
First Responders	18	219	98.9
Assist Ambulance	1	19	1.9
Other Medical			
Total Med/Resc Calls	19	238	100.8
Total ALL Calls	231	3995	2411.4
Other Activities			
Courses	22	22	419.0
Drills	64	592	1517.3
Monthly Meetings	85	968	977.8
Committee Meetings			
Fire Prevention	2	4	11.0
Fund Raising	5	104	275.0
Parades/Cleanup	90	613	2113.0
Work Detail	1	16	12.0
Wake/Funeral			
Line Of Duty	17	175	479.3
Other			
Total Other Activities	286	2494	5804.4
*****	***	*****	*****
Total ALL Activities	517	6489	8215.8

Trustee M. Christensen requested the following Motion to be tabled until Nov.'s Board meeting. The Board agreed. MOTION to authorize to remove Jens Jensen from the active roll effective 10-2-2012.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to declare the Fire Truck (E-3) as surplus and sell effective November 1st.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Discussion: Chief Simpson stated Potter Fire Department will be purchasing the truck for \$40,000.

CODE ENFORCEMENT:

Trustee M. Christensen stated the conference on Flood Risk reduction which Brent & Bruce Lyon were going to in Buffalo, NY with the dates of October 2, have been changed. Bruce will inform the Board on new dates and information when he receives it.

PUBLIC WORKS:

Trustee Allison explained they received one bid in which was higher than they anticipated for the Tree Planting/Urban & Community Forestry Grant. (Grant is for \$25,000 and bid was \$39,980). Brent Bodine mentioned he contacted and is waiting for a response from the grant administrator informing them of the results. Brent stated we might have to reduce the number of trees to be planted to stay in line with the grant.

MOTION by Trustee Allison, seconded by Trustee M. Christensen to authorize Don Rapalee and Dan Doyle to attend a Workshop for The New Risk Tree Assessment Standards on October 17, 2012 in Elmira, NY. No cost.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Trustee Winslow and Allison both stated what a great job all the crews have done with the new Streets which had been paved.

PARKS & RECREATION:

MOTION by Trustee Stewart, seconded by Trustee Winslow to authorize (2) two employees (Dan Doyle and Lynn Axtell) to attend the Turf & Grounds Exposition in Rochester, from November 13-15th at a cost of \$185.00/pp. (total \$370.00) and will be using a Village vehicle for transportation.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

MOTION by Trustee Stewart, seconded by Trustee M. Christensen to continue to employ one of the temporary workers through the end of November, 2012 if funds are available and are not subject to unemployment cost.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Trustee Stewart stated the Committee is still looking into the Tobacco Free Outdoor Area Policy.

PLANNING & DEVELOPMENT:

No update

PLANNING BOARD:

No update

COMMENTS

ADJOURNMENT:

At 6:55 PM MOTION by Trustee Allison, seconded by Trustee M. Christensen to adjourn the regular Board meeting.

ADOPTED Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: