

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, October 20, 2009 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor D. Marchionda Jr.; Trustees W. Allison; R. Church; M. D'Abbracci; B. Hoban ; R. Stewart; N. Taylor; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Deputy Director of Public Works D. Osgood; Police Chief M. Hulse; CEO B. Lyon ; MUB Chairman R. French, Municipal Board member Dan Banach. Justice Hibbard arrived at 7:15pm

ABSENT: Parks Director D. Doyle; Assistant Director of Public Works B. Bodine; Fire Chief R. Retorick; Cemetery Superintendent L. Axtell;

News Media present: Gwen Chamberlain, Chronicle Express; Amanda Folts, Finger Lakes Times; Peg Thompson, Dundee Observer

PUBLIC:

Ann Perry, Ruth Davis, Chris Williams

Mayor Marchionda called the Public Hearing to order at 6:04 PM.

CALL FOR EXECUTIVE SESSION: MOTION by Trustee Hoban, seconded by Trustee Allison to have an Executive Session to discuss a litigation issue at the end of the Village meeting.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MINUTES:

MOTION by Trustee Church, seconded by Trustee D'Abbracci to approve the Village Board Minutes from September 15, 2009 and the Special Village Board/ Joint Meeting from September 28, 2009 and a Special Village Board meeting on October 9, 2009

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Mayor Marchionda discussed the Village owned property on Howard Street. He asked the Board to take a look at the property before a decision is made. This piece of property had been donated to the Village and the donor has approved the Village to sell it. Mayor Marchionda asked that the motion be tabled to a later month.

MOTION by Trustee Church, seconded by Trustee Stewart to table the Howard Street property regarding putting it up for surplus.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

Chris Williams asked for a copy of the comprehensive plan for the Village. Mayor Marchionda told Mr. Williams to stop in at the Village Office to look at it or he can purchase a copy just not sure of the cost. Mayor did mention that he thought the last revision was in 2000. Mayor Marchionda also suggested that he could stop at the Library they should have a copy of file.

MAYOR:

MOTION by Trustee Church, seconded by Trustee D’Abbracci to approve the Chamber of Commerce holds their annual Star Shine event on Friday, December 4, 2009 from 5:00pm – 9:00pm. Main Street will be closed at 4:00pm.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve the annual Penn Yan Area Council of Churches Turkey Walk for Sunday November 1, 2009. Registration begins at 1:30pm at First Baptist Church.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve Resolution No. 39-2009, Polling Places and Hours for the Village elections on March 16, 2010.

BE IT RESOLVED, pursuant to Section 15-104(3)(b) of the Election Law, that the polling place for the Village Election to be held on March 16, 2010 shall be the Community Room of the Village Hall, 111 Elm Street, Penn Yan, New York, and

BE IT FURTHER RESOLVED, that the polls shall be open for said election on Tuesday, March 16, 2010 between the hours of 12:00 noon and 9:00 o’clock P.M.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

MOTION by Trustee Church, seconded Trustee Stewart to authorize the Mayor signs the Proclamation for Academic Excellence Day.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

Mayor Marchionda explained the Proclamation for Academic Excellence Day at Penn Yan Academy, this is for students that have or has had 90 or above average for at least one year and up to 3 years running. This is for Tuesday November 17, 2008 is Academic Excellence Day at Penn Yan Academy. Mayor Marchionda will be attending this event.

ATTORNEY:

MOTION by Trustee Stewart, seconded by Trustee Hoban to adopt Resolution No 41-2009 Regarding proposed Modification of Retirement Policy for Accumulated Sick Leave Days

Discussion: Trustee Hoban questioned if this was a death or retirement benefit. Shawna Wilber explained a death benefit. Mayor Marchionda stated the policy should have the effective date as of January 1, 2009.

MOTION by Trustee Church, seconded by Trustee D'Abbracci to amend Resolution No 41-2009 Regarding proposed Modification of Retirement Policy for Accumulated Sick Leave Days effective as of January 1, 2009.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Stewart, seconded by Trustee Hoban to adopt Resolution No 41-2009 Regarding proposed Modification of Retirement Policy for Accumulated Sick Leave Days

WHEREAS, the Village of Penn Yan presently has a Retirement Conversion Policy for Accumulated Sick Leave Days: and

WHEREAS, there has been a proposal to modify said policy.

NOW THEREFORE BE IT RESOLVED, that the following shall constitute the Retirement Conversion Policy for Accumulated Sick Leave Days of the Village of Penn Yan:

Upon retirement, any unused sick leave days of an employee will be converted to a "fund". The value of this fund will be determined by multiplying the number of unused sick leave days times the employee's regular daily base wage in effect on the retiring employee's last day worked. This "fund" will be used, to the extent of the dollar value of the "fund", to purchase health insurance for the retiring employee, spouse and dependents, if so designated, under the Village's health insurance policy during the period of the employee's retirement.

In the alternative, upon retirement, the employee may opt to receive a lump sum cash payment equal to one-half the value of the "fund" in excess of the value of 140 accumulated sick leave days. To qualify for this alternative the employee must make the request in writing. The employee may request this alternative at any time after retirement, as long as a balance exists in the retired employee's "fund".

In the event of the death of an employee prior to retirement from the Village of Penn Yan, and only in the case of an employee, upon the date of death, **whom has reached the minimum New York State Retirement age or 20 years of service with the Village of Penn Yan**, a surviving spouse and /or dependent children of such deceased Village employee may utilize this policy for either a single or family policy of insurance. In the alternative, the designated beneficiary, as defined on payroll records, is entitled to the lump sum payment as prescribed above.

Each payment of premiums by the Village for medical insurance coverage on behalf of the retired employee shall be deducted from the retired employee's "fund" on a dollar for dollar basis. Upon depletion of the retired employee's "fund" the Village shall have no further obligation for payment of medical insurance on behalf of the retired employee pursuant to this policy.

This policy shall have been effective as of January 1, 2009

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

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

AUDIT:

VILLAGE:			
	Paid before Audit - General Fund	\$	342.34
	General Fund		66,060.96
	Capital Fund		00.00
	TOTAL VILLAGE AUDIT:	\$	66,403.30
MUNICIPAL:			
	Paid before Audit	\$	162,103.60
	Capital Paid before Audit		00.00
	Electric Fund		116,553.80
	Water Fund		20,566.97

Sewer Fund	26,290.21
Capital Projects	00.00

TOTAL MUB AUDIT: \$ 325,514.58

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

FINANCE & ADMINISTRATION:

MOTION by Trustee Church, seconded by Trustee Allison to approve Resolution No. 38-2009 Unpaid Village Taxes for 2008-2009 to be turned over to the County of Yates for Collection.

Discussion: Trustee Stewart questioned does this included any unpaid water bills. Shawna Wilber explained that goes on the tax bill in May. She explained the unpaid taxes will be turned over to the County on Monday November 2, 2009.

IT IS HEREBY RESOLVED, that the Village of Penn Yan shall have unpaid 2008-2009 Village Taxes collected by the County of Yates in accordance with the Real Property Tax Law, Section 1442, and pursuant to Local law No. 1, of the County of Yates, for the Year 1978, and be it further

RESOLVED, that the Village Clerk file a certified copy of this resolution with the Clerk of the Yates County Legislature and the Yates County Treasurer no later than November 15, 2009, and transmit to them the unpaid tax information as required by law.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee Allison to approve Resolution No 42-2009 Budget Transfers.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

TO:

A1010.1	Board of Trustees - Personal Services	
A1110.15	Village Justice - Personal Services	
A1110.16	- Acting Village Justice	
A1110.17	- Court Clerks	
A1110.41	- Contractual Services	
A1110.42	- Phone/Internet/Utilities	
A1110.50	- Supplies & Materials	
A110.51	- Computer Supplies	206.00
A1325.41	Finance - Contractual Services	
A1325.44	- Copier Services	
A1325.47	- Audit Fees	
A1325.48	- Prof fees/publications	50.00
A1325.50	- Supplies & Materials	
A1620.10	Village Buildings - Personal Services	
A1620.41	- Contractual Services	
A1620.5	- Supplies & Materials	
A3120.11	Police - Overtime	
A3120.12	- Part Time	

A3120.16		- Holidays	
A3120.19		- PD Vacation Buyout	
A3120.20		- Equipment	
A3120.41		- Contractual Services	
A3120.411		- Vehicle Repairs	
A3120.412		- Gas & Oil	
A3120.413		- Uniform Maintenance	
A3120.42		- Phone/Internet/Utilities	
A3120.50		- Supplies & Materials	
A3120.51		- Computer Supplies	
A3120.52		- Weapons	
A3120.54		- Vehicle Supplies	
A3410.411	Fire Dept	- Vehicle Repairs	
A3410.414		- Equipment Repairs	
A3410.417		- Building Repairs	1,500.00
A3410.42		- Phone/Internet/Utilities	
A3410.43		- Insurance	
A3410.48		- Hose Testing	
A3410.50		- Supplies & Materials	
A3410.51		- Computer Supplies	
A3410.52		- Bunk Gear/Bags/Gloves	
A3620.45	Code	- Computer Services	
A3620.46	Code	- Conf/Training/Mileage	
A3620.50		- Supplies & Materials	
A3620.51		- Computer Supplies	125.00
	Street Admin	-	
A5010.19	Holiday/Vacation/Sick/Personal		
A5110.10	Street Maint.	- Personal Services	
A5110.11		- Overtime	
A5110.12		- BCBS Health Buyout	
A5110.18		- Paid Holiday DBL	
A5110.23		- Moto Pave & Sealing	
A5110.25		- Stockit	
A5110.26		- Storm Sewers/Pipes/Bans	50.00
A5110.4		- RR Grade Crossing	
A5110.41		- Contractual Services	
A5110.411		- Vehicle Repairs	
A5110.412		- Gas/Diesel/Oil/Lube	
A5110.413		- Equipment Repairs	50.00
A5110.414		- Tires & Tubes	
A5110.415		- Landscaping/Tree Removal	
A5110.416	Street Maint.	- Safety Equipment	
A5110.417		- Drug Testing	
A5110.42		- Phone/Internet/Utilities	
A5110.43		- Insurance	
A5110.49		- Sidewalk Program	
A5110.5		- Supplies & Materials	
A5110.52		- Salt & Sand	
A5110.53		- Tools	
A5110.54		- Signs & Posts	
A7140.16	Parks & Rec	- Lifeguards	485.00
A7140.17		- Playground Leaders	
A7140.41		- Contractual Services	
A7140.412		- Field Trips	490.00
A7140.51		- Computer Supplies	
A7140.415		- Landscape/Tree/Flowers	
A7140.50		- Supplies & Materials	
A7140.53		- Playground Supplies	10.00
A7140.54		- Picnic Tables	
A7140.56		- Park Grant	
A8020.1	Planning	- Personal Services	
A8020.5		- Supplies & Materials	
A8020.41		- Contractual Services	
A8810.18		- Paid HolidayDbI	
A8810.20	Cemetery	- Equipment	
A8810.41		- Contractual Services	
A8810.412		- Gas & Oil	

A8810.415		- Landscape/Tree Rem
A8810.42		- Phone/Internet/Util
A9030.8	FICA/Medicare	
A9050.8	Unemployment Insurance	
A9089.81	Village Flex/Benefits MRA	
A9710.61	Serial Bonds Int Fire Truck	
ES8120.12	Sanit SWR	- Cust Installations
ES8120.16		- Maint on Meters
ES8120.17		- Maint on Vehicles
ES8120.18		- Maint on Bldgs/grds
ES8120.412		- Gas & Oil
ES8120.417		- Maint on Vehicles
ES8130.41	WWTP	- Contracted Services
W8320.40	WTP	- Engineering Fees
W8340.17	Trans/Dist	- Maint on Vehicles
W8340.18		- Maint on Bldgs/grds
W8340.412		- Gas & Oil
W8340.417		- Maint on Vehicles
W8340.46		- Conf/Training/Travel
E734.0	Electric	- Rent -Transmission
E742.41		- Overhead Conducts
E742.9		- Repairs - Consumer Premises
E752.2		- Repairs - Underground

Total

2,966.00

FROM:

A1010.41	Board of Trustees	- Contractual Services	
A1110.411	Village Justice	- Interpreter Services	
A1110.413		- Court Reporting	
A1110.45		- Computer Services	
A1110.47		- Audit Fees	206.00
A1110.48		- Prof fees/publications/books	
A1110.51		- Computer Supplies	
A1325.10	Finance	- Personal Services	
A1325.12		- Part-Time	
A1325.46		- Conference/Travel	50.00
A1990.4	Contingency		
A3120.114	Police	- Court Security	
A3120.2		- Equipment	
A3120.43		- Insurance	
A3120.48		- Prof fees/Publctns/Books	
A3120.54		- Vehicle Supplies	
A3410.43	Fire Dept.	- Contractual Services	
A3410.415		- Health Services	
A3410.43	Fire Dept	- Insurance	
A3410.52		- Bunk Gear/Bags/Glove	
A3410.53		- Radios/pagers	
A3410.54		- Air Paks	1,500.00
A3410.55		- Helmets/Coats/Vests	
A3410.56		- Hoses/Fittings	
A3410.57		- Tools	
A3410.58		- Truck Supplies	
A3410.59		- Haz-Mat	
A3620.41	Code	- Contractual Services	
A3620.45		- Computer Services	
A3620.48		- Prof fees/publications	125.00
A3620.5		- Supplies & Materials	
A5010.1	Street Admin	- Personal Services	
A5010.41		- Contractual Services	
A5110.1	Street Maint.	- Personal Services	
A5110.16	Street Maint.	- Summer Employees	
A5110.22	Street Maint	- Stone & Gravel	
A5110.25		- Stockit	
A5110.26		- Storm Sewers/Pipes/Bans	
A5110.27		- Frames & Grates	

A5110.41		- Contractual Services	
A5110.413		- Equipment Repairs	
A5110.417		- Drug Testing	
A5110.418		- Trash Removal	
A5110.43		- Insurance	
A5110.46		- Conf/Travel/Mileage	
A5110.48		- Prof fees/Publctns/Books	
A5110.5		- Supplies	
A5110.53		- Tools	
A5110.54		- Signs & Posts	100.00
A7140.18	Parks & Rec	- Park Attendants	
A7140.418		- Trash Removal	
A7140.419		- KC Sports Complex	
A7140.54		- Picnic Tables	985.00
A7140.55		- Docks	
A8015.10	Historic	- Personal Services	
A8020.49	Planning	- Engineering Fees	
A8810.1	Cemetery	- Personal Services	
A8810.11	Cemetery	- Overtime	
A8810.16		- Summer Labor	
A8810.41		- Contractual Services	
A8810.411		- Vehicle Repairs	
A8810.413		- Equipment Repairs	
A8810.414		- Tires & Tubes	
A8810.415		- Landscape/Tree Removal	
A8810.5		- Supplies & Materials	
A9010.8	Retirement		
ES8120.13	Sanit Swr	- Inflow & Infiltrate	
ES8120.414		- Maint on mains	
ES8130.414	WWTP	- Sludge Landfill fees	
W8340.14	Trans/Dist	- Maint on Mains	
W8340.15		- Maint on Hydrants	
W8340.41		- Contracted Services	
E783.1	Electric	- Insurance	
E742.13		- Repairs-Install Equip	
E742.84		- Electrical System Inspection	

Total	2,966.00
-------	----------

October 20, 2009

MOTION by Trustee Church, seconded by Trustee Hoban to call a special Village meeting on November 4, 2009 at 4:00pm for the auditor's presentation of financial statements.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Church explained will be getting the draft copy of the audit this week; will give us time to review it before the Nov. 4th Exit interview meeting. Trustee Church asked that letters be sent to our wholesale customers.

PERSONNEL:

MOTION by Trustee Stewart, seconded by Trustee Hoban to approve provisional appointment Richard Osgood to Director of Public Works effective September 29th, 2009. No change in salary.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Stewart, seconded by Trustee Hoban to authorize the Mayor to sign the (MOA) Memorandum of Agreement for CSEA regarding the Performance Evaluation.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Stewart explained the procedure/evaluations are already being done; the MOA is more of a paper work issue.

Trustee Stewart stated he will be attending a NYCOM Seminar on Oct. 22, 2009 in Minoa, NY on Local Government Consolidation and Dissolution: Myth vs. Reality and How to lead on the Issue. He would like to be reimbursed for mileage.

MOTION by Trustee Church, seconded by Trustee Allison to approve the reimbursement for mileage for Trustee Stewart to attend the NYCOM meeting.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Church asked Trustee Stewart if he could pick up any handouts that are available for him.

MOTION by Trustee Stewart, seconded by Trustee Church to approve hiring Patrick Ellison as a Part time Officer retro effective October 5, 2009. Starting salary of \$16.00 hour.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Church wonders if he has had his schooling already and Chief Hulse replied yes.

PARKS & RECREATION:

Trustee D'Abbracci stated that Larry & Sharon Larsen of 133 Lincoln Ave. would like to donate a Holiday tree for the outside of the Village Hall. This is will be cut down by JJ Covell and be in place before Start Shine – December 4th, 2009. Dick Osgood will take a look at the tree also.

Trustee D'Abbracci explained that Rev. John Tharp is organizing a group to clean up part of the Outlet Trail. He applied for a permit with the DEC but needs to get approval from the Village. Trustee D'Abbracci explained that Dan Doyle will be working with Rev. Tharp.

MOTION by Trustee D'Abbracci, seconded Trustee Hoban to allow Dan Doyle to work with Rev. John Tharp and the DEC to help clean up part of the Outlet Trail.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Trustee D'Abbracci stated during the summer recreation program we had 48 kids total – this is 2 down from 2008. 77% were Village residents and 23% non Village residents. We are waiting to hear back from the Red Cross regarding the number in the swimming program. We have not heard back yet regarding the grant that has been sent in. Trustee D'Abbracci mentioned there will be an ad in the paper soon regarding the start up for Adult Basketball, Soccer and Women's Volleyball.

Trustee Stewart questioned about the progress regarding the parking fees at the Boat Launch. Trustee D'Abbracci explained they are still reviewing it and will be working on this during the winter.

PLANNING BOARD:

MOTION by Trustee Hoban, seconded by Trustee Allison to approve (1) one Planning Board member to attend a one day conference regarding Case Law Update on Zoning and Planning on October 27, 2009 in Fairport, NY. Cost is \$15.00. Wayne Davidson will attend. Wayne will be reimbursed for his mileage.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

PLANNING & DEVELOPMENT:

Trustee Hoban explained that they have a subcommittee regarding the zoning and outlet project.

PUBLIC SAFETY:

Trustee Taylor explained that Management met with the PBA today – the PBA is very interested in starting negotiations for the coming year. They are concerned about the shortage of manpower. They will be meeting with them in December.

Trustee Taylor wanted to thank the crew for taking her diseased crab apple trees down. They did a great job.

POLICE DEPARTMENT:

MOTION by Trustee Taylor, seconded by Trustee D'Abbracci to approve Sgt. Dunham attends the Instructor Development Course from 11-30-09/12-11-09 in Canandaigua, NY. No cost

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Church questioned Chief Hulse whether there would be any problems with staffing during these two weeks. Chief Hulse replied that Sgt. Dunham works days and he will be on duty to help cover the shift if needed.

MOTION by Trustee Taylor, seconded by Trustee Church to approve Investigator Donovan attends the Basic Criminal Investigations course from 11-30-09/12-11-09 in Rochester, NY at the cost of \$606.25

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Stewart questioned is the coverage still ok with Investigator Donovan also gone these two weeks. Chief Hulse assured there shouldn't be – he will be there for any backup and will have part time help also.

MOTION by Trustee Taylor, seconded by Trustee Allison to declare 15+ boxes of 357, 9 and 38 ammunition as surplus and to trade in towards a new handgun.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

FIRE DEPARTMENT:

Monthly fire Department report

CODE ENFORCEMENT:

MOTION by Trustee Taylor, seconded by Trustee Allison to authorize the Village to cut the high grass and weeds at 248 East Main Street and place the necessary cost on the tax bill for next year.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Bruce Lyon explained he has tried to work with Wells Fargo for the past two months to get the grass cut. No luck. Bruce Lyon will hire someone to cut the grass/weeds and the cost will be placed on next year's Village taxes for reimbursement per code.

MOTION by Trustee Taylor, seconded by Trustee Church to approve Resolution No. 40-2009 Village of Penn Yan Fair Housing Officer, to appoint Bruce Lyon as the Fair Housing Officer.

WHEREAS: Federal and New York State Law prohibit discrimination in the sale, rental and financing of housing on the basis of race, creed, gender, national origin, familial status, marital status, or handicap.

The Village of Penn Yan participates in the HUD Community Development Block Grant Program.

The community development Block Grant Program requires that each participating community take specific affirmative action's to further fair housing.

PROVISIONS OF THE PLAN

The Chief Elected Official shall designate a fair housing officer to be responsible for implementing this plan.

The fair housing officer is charged with the following responsibilities:

1. Become knowledgeable in the fair housing provisions of Federal, State, and Local Laws.
2. Conduct an analysis of barriers to equal housing opportunity, (as per 24CFR570.904).
3. Develop a strategy to overcome any barriers.
4. Review local policy for its impact on housing choice.
5. Compile Fair Housing information and make it available to any interested persons.
6. Disseminate information and answer questions relating to fair housing laws.
7. Assist aggrieved persons.
8. Refer discrimination complaints to appropriate Federal or State Agencies.
9. Maintain a record of actions taken pursuant to this plan.

This plan and related documents shall be posted at:

The Village of Penn Yan
 Village Hall
 111 Elm Street, Pen Yan, NY 14527

The Village of Penn Yan will advertise this plan, monthly, in the local media. Upon adoption of this plan, the Village of Penn Yan will issue a press release to all media serving the Village of Penn Yan.

This plan shall take effect upon resolution by the Penn Yan Village Board of Trustee.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

PUBLIC WORKS:

Trustee Allison mentioned Fire prevention week went well and everything looked good. Trustee Allison discussed the fencing around the cooling tower at the firehouse. He questioned whether we want a chain link fence or slats placed around the tower at the firehouse? We have given a Notice to Proceed to New York Fence. At a cost of \$2,775.00 for a 6 foot high galvanized fence, this includes one 4 foot main gate

and the installation. This needs to be enclosed for safety issues. Was discussed the slats do look nice but hard to see through. Trustees Hoban and Allison would like slats. Dick Osgood feels the slats would not hold up as long as the galvanized fence would. It was decided to go with the galvanized fence.

MOTION by Trustee Church, seconded by Trustee D'Abbracci to go with the galvanized chain link fencing around the cooling tower at the firehouse from New York Fence for \$2,775.00.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee D'Abbracci to declare DPW #9 – 1996 Chevy pick-up truck as surplus and sell on e-bay.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Trustee Allison explained they are repaving the parking lot behind Lown's this week. This will be a great improvement and apologizes for the inconvenience.

Trustee Church explained that we have received a letter back from Bob Champlin – owner of Lloyd's that he does use his outdoor seating during winter months. He has asked that we reissue a permit for the fencing to stay up during the winter months. He will maintain the sidewalk and Mr. Champlin will be sure to shovel it free of snow and ice. Atty. Brockman will propose a new permit for Mr. Champlin to sign with the changes to keep the fencing up during the winter months.

MOTION by Trustee Church, seconded by Trustee D'Abbracci to approve the fencing to be left up during the winter months at Lloyd's and its Mr. Champlin's responsibility to keep it shovel and clear of snow and ice.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

STREETS:

CEMETERY:

BUILDINGS:

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Church to approve \$589.50 payable to Yates County to file nine electric easements.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to authorize the purchase of six (6), 15KVA transformers from Power Sales Group at a cost of \$738 each and the purchase of four (4), 250 KVA transformers from Wesco Distribution at a cost of \$4,817 each.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve RAM's proposal requesting an additional \$13,500 for the PLC project.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee D'Abbracci to approve the contract be extended to VSG Enviromation for work on the PLC project.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION Trustee Allison, seconded by Trustee Church to approve the renewal for the National Safety Council Membership for 1 year at the cost of \$340.00

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve Cornell Local Roads Program representatives to provide an in-house Work Zone traffic Control training. For November 17th starting at 7:00 am at the firehouse at a cost of \$40.00 per person. This includes breakfast, light lunch and all course materials.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

Discussion: Trustee Allison explained all of our Municipal Crews are eligible to attend and in addition this course will be open to other surrounding area Municipal Crews.

MOTION by Trustee Allison, seconded by Trustee Hoban to approve Municipal Solutions program delivery and grant administration for the Brown Street water line improvement project; services would be provided and charged on an hourly basis at a cost not to exceed \$10,000.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve the Payment Agreements for October in the amount of \$4,675.28

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D'Abbracci	Aye		

Carried

ADJOURNMENT:

At 7:14 PM, MOTION by Trustee Allison, seconded by Trustee Church to move into Executive Session.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church invited Municipal Chairman Rom French and Municipal Board member Dan Banach to enter into Executive Session.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:45 PM, MOTION by Trustee Church, seconded by Trustee Allison to leave Executive Session and return to the regular Village Meeting.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

MOTION by Trustee Taylor, seconded by Trustee Church to declare the Maxwell Building as surplus and move the Village Court to the Village Hall basement.

Discussion: Atty. Brockman questioned when will the basement be ready to move the Court over? He mentioned we should not declare the Maxwell building surplus until after the court has moved. Mayor Marchionda questioned Dick Osgood and Justice Hibbard about a time frame for the move. They were directed to have Court moved by January 1, 2010. Atty. Brockman questions the cost – if under \$20,000 we would not have to get outside bids. Dick Osgood and Justice Hibbard will review plans. Mayor suggested can the construction be done in phases. Trustee Church reminded Justice Hibbard and Dick Osgood to stop up at the County building – they have a Judge’s bench and other items that we might be able use and it’s free to us. Would like to see most of this as portable as possible.

Trustee Taylor withdrew her initial Motion to declare the Maxwell Building as surplus.

MOTION by Mayor Marchionda, seconded by Trustee Taylor to approve to move the Village Court to the Village Hall basement and request for proposals for the construction work at the Village Hall basement to accommodate the Village Court.

Mayor Marchionda	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye	Trustee Taylor	Aye
Trustee D’Abbracci	Aye		

Carried

Discussion: Dick Osgood clarified you would like me to look at the initial plans and get three quotes from local contractors to do the work? He will review the plans for a Judges area, jury deliberation area, an area for the lawyers, and jury box. Mayor Marchionda and Atty. Brockman both agreed.

Mayor Marchionda discussed the lawsuit between the Village and the Town of Jerusalem. The original contract with Jerusalem was in 1995 under District # 1. They added a second (District # 2) this was in 2000-2001. At this time an amendment was made to the original to include District 2. Around two years ago Jerusalem decided not to pay the amount for District 2; they have only been paying half of the contract. Mayor reminded everyone that we have gone to court and Judge Bender ruled Jerusalem to pay the Village of Penn Yan \$175,000. Meanwhile Jerusalem has filed an appeal on that – in addition Jerusalem has filed a lawsuit against the Village, they feel the percent is not correct. Even though they have been paying the

total amount for nine years. They feel the amount should be lower. Mayor explained the sewer rate is based on the operating budget of the sewer plant and this has been since the mid 90's at 31%. Mayor Marchionda stated the Village was awarded by the court \$175,000 and the new law suit states Jerusalem wants \$325,000 back. They feel they have over paid us. He mentioned that if they were any other customer they would be shut off for not paying. We thought the ruling by the Court would finalize it. Rom French mentioned in February 2010 it will be three years since they have not paid for District 2. Trustee Allison mentioned in 2001 we had people from both sides plus auditors going over the operating budget. It was originally at 32.36% and we brought it down to 31%. Both sides and the auditors were all in agreement of this percent. Trustee Allison mentioned if the Town of Jerusalem were to ask the key players that were included in this original meeting they would find out that they did agree to the 31%. We have in our records showing the 31%.

ADJOURNMENT:

At 8:10 PM MOTION by Trustee Church, seconded by Trustee Allison to adjourn the regular meeting

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: