

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, October 21, 2008 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor D. Marchionda Jr.; Trustees W. Allison; R. Church; N. Taylor; M. D’Abbracci; B. Hoban ; R. Stewart; Attorney Ed Brockman; Director of Public Works E. Balsley; Police Chief Mitchell; Street Superintendent R. Jensen; Parks Director D. Doyle; Fire Chief B. Winslow; Deputy Clerk/Treasurer R. Morse

**ABSENT:** Clerk/Treasurer S. Wilber; CEO B. Lyon; Assistant Director of Public Works R. Osgood; Cemetery Superintendent L. Axtell;

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

**PUBLIC:**

Priscilla Chapman, Rose II Freedom, John Hoffman, Andrew Rice

Mayor Marchionda called the meeting to order at 7:00 PM.

**Public Hearing for Outdoor Woodburning Furnaces:**

Mayor Marchionda asked if there were any comments from the public with regards to Outdoor Woodburning Furnaces. No comments from the Public at this time. Mayor will leave Public Hearing open for a bit.

Mayor Marchionda asked the public again for any comments in regards to this matter – no comments.

MOTION by Trustee Allison, seconded by Trustee D’Abbracci to close the Public Hearing for Outdoor Woodburning Furnaces.

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

Carried

Mayor Marchionda closed the Public Hearing at 7:15 PM

**MINUTES:**

MOTION by Trustee Allison, seconded by Trustee Church to approve the Village Board Minutes from August 19th, 2008 and the Special Village Board Meeting on October 1, 2008.

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

Carried

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Stewart, seconded by Trustee Hoban to have an Executive Session to discuss Medical and Financial history of an employee.

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

Carried

At 7:18 PM MOTION by Trustee Stewart, seconded by Trustee Hoban to adjourn the regular Village Board meeting and enter into Executive Session.

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

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:35 PM MOTION by Trustee Stewart, seconded by Trustee Taylor to leave Executive Session and return to the regular Village Board Meeting.

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

Mayor Marchionda resumed the Regular Village meeting at 7:35 PM.

**GUESTS, PUBLIC REQUEST & COMMENTS:**

Rose II Freedom spoke up for herself and a few other residents with their concerns over the feral cats. They are concerned that they will be turned over to labs for experiments or worse. She commented that the community needs to be educated in this matter. Rose II Freedom has gather information and it indicates which programs seem to work the best and it recommends feral cats be spayed or neutered and returned to their colonies. The article states those that are returned to their habitat and own colony keep other cats out, will protect their food source. Trustee D'Abbracci stated the feral cats will be relocated to a farm out of the area and will be fed daily and be checked by a vet. Atty. Brockman and Trustee Stewart have received numerous complaints on feral cats. Atty. Brockman mentioned this is the first step to help alleviate the problem and also feels the public needs to be educated in this matter. Atty. Brockman assured that they will be taken to a 100-acre cat sanctuary, will be fed daily and checked by a vet. Atty. Brockman & Trustee D'Abbracci have received complaints that the cats are a nuisance on property. Mayor Marchionda explained an announcement will be published in the local paper for three weeks. The public will need to keep their own pets in the house or place a collar on them for a period of time. Atty. Brockman stated a gentleman that is licensed by the DEC has experience with these issues, he will capture the feral cats; will get them spayed or neutered and then transport to a cat sanctuary.

**MAYOR:**

MOTION by Trustee Allison, seconded by Trustee D'Abbracci to approve the Chamber of Commerce holds their annual Start Shine event on Friday night December 5, 2008 from 5:00 pm – 9:00pm.

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

Mayor Marchionda asked Street Superintendent R. Jensen if the new Holiday decorations would be up by then – yes and he also mentioned that the new decorations just arrived today and he will be checking them over to see if any were damaged.

Mayor Marchionda read the Proclamation for Academic Excellence Day at Penn Yan Academy and informed everyone that Tuesday November 18, 2008 is 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. He stated anyone that might be interested in attending may do so.

**ATTORNEY:**

Atty. Brockman stated that the Draft of the proposed signage code is done. Asked the Board to review it and they will discuss it at next month's Village meeting. Trustee Hoban questioned how residents would get informed of the new regulations. Atty. Brockman explained we will be having a public hearing and copies to review will be available at the Clerk's office.

Atty. Brockman stated we received two bids for the firearms and we would accept the highest bids for them. D&D Guns had the highest bid for the Magnum Ruger pistol and the Remington Model 14 rifle. Tom's Guns and Ammo would receive the four (4) pistol's three Smith & Wesson special and one (1) Colt pistol. Village Clerk will send out formal letters, and they will contact Chief Mitchell to obtain them.

MOTION by Trustee Stewart, seconded by Trustee Taylor to accept the highest bids – one from D&D Guns in the amount of \$410.00 and one from Tom’s Guns and Ammo in the amount of \$400.00 for firearms that the Penn Yan Police Department are selling.

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

Carried

Atty. Brockman and Trustee Church both researched the voting issues on the firehouse project and firefighters are not to vote on anything that concerns the fire department unless it creates a situation that you don’t have a quorum to make a vote. Should not vote on anything that may be a conflict of interest.

**MOTION:** by Trustee Church, seconded by Trustee D’Abbracci to pay current Village and Municipal bills as submitted.

**AUDIT:**

VILLAGE:

Paid before Audit - General Fund	\$	00.00
General Fund		137,538.77
Capital Fund		00.00
<b>TOTAL VILLAGE AUDIT:</b>	<b>\$</b>	<b>137,538.77</b>

MUNICIPAL:

Paid before Audit	\$	196,120.76
Capital Paid before Audit		00.00
Electric Fund		8,437.59
Sewer Fund		13,477.43
Water Fund		31,642.06
Capital Projects		00.00

<b>TOTAL MUB AUDIT:</b>	<b>\$</b>	<b>249,677.84</b>
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Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Hoban	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee Church	Aye		

Carried

**FINANCE & ADMINISTRATION:**

MOTION by Trustee Church, seconded by Trustee D’Abbracci to approve Resolution No. 49-2007-2008 Taxes, will be turn over to the County for collection.

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

Carried

IT IS HEREBY RESOLVED, that the Village of Penn Yan shall have unpaid 2007-2008 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, 2008, and transmit to them the unpaid tax information as required by law.

MOTION by Trustee Church, seconded by Trustee Taylor to approve the loan of \$15,000 that will be paid back to the general fund before May 31, 2009, this is to pay costs associated with firehouse project.

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

Carried

**PERSONNEL:**

Trustee Stewart discussed the new hire procedure, when an opening occurs will check be sure we want to fill the job, check with Supervisor and Department Head. Will post for seven days –review application’s and then interview.

MOTION by Trustee Stewart, seconded by Trustee Hoban to approve the new Hire Interview Procedure.

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

Carried

**PARKS & RECREATION:**

Trustee D'Abbracci stated the Men’s basketball started this past Monday and girls Volleyball will start Nov. 18<sup>th</sup>.

Trustee Stewart questioned Parks Director Dan Doyle how are the Men’s Basketball and Women’s Volleyball programs advertised? Dan Doyle mentioned it has been word of mouth. Trustee Stewart mentioned that we would have more participation if they advertised these and Mr. Doyle stated we are pretty full now.

MOTION by Trustee Church, seconded by Trustee Allison to approve Resolution No 50-2008 application for Park Grant 2008- Indian Pines.

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

Carried

**WHEREAS**, the Village of Penn Yan owns, manages and maintains a municipal park known as Indian Pines Park; and

**WHEREAS**, the Village of Penn Yan desires to make, certain improvements to such park; and

**WHEREAS**, the Village is notified of approval of a grant from the State of New York for such improvements, the receipt of the grant funds requiring adoption of a resolution authorizing application for such funds.

**NOW THEREFORE**, be it resolved, that Douglas Marchionda, Jr., as Mayor of the Village of Penn Yan, a municipal corporation of the State of New York, is hereby authorized and directed to file a application for funds from the New York State Office of Parks, Recreation and Historical Preservation in accordance with the Provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$40,624.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Penn Yan for the “Indian Pines Park Development Project” and if appropriate a conservation easement protection covenant to the deed of the assisted property.

MOTION by Trustee Church, seconded by Trustee D'Abbracci to approve Resolution No 51-2008 application for Park Grant 2008 Outlet Trail Playground.

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

Carried

**WHEREAS**, the Village of Penn Yan owns, manages and maintains a municipal park known as Outlet Trail Playground; and

**WHEREAS**, the Village of Penn Yan desires to make, certain improvements to such playground; and

**WHEREAS**, the Village is notified of approval of a grant from the State of New York for such improvements, the receipt of the grant funds requiring adoption of a resolution authorizing application for such funds.

**NOW THEREFORE**, be it resolved, Douglas Marchionda, Jr., as Mayor of the Village of Penn Yan, a municipal corporation of the State of New York, is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historical Preservation in accordance with the Provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$30,000.00, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Penn Yan for the “Outlet Trail Playground Development Project” and if appropriate a conservation easement protection covenant to the deed of the assisted property.

**PLANNING BOARD:**

MOTION by Trustee Hoban, seconded by Trustee Church to authorize up to three members attends the Genesee Regional Planning Council’s fall 2008 Workshop at Mt. Morris, NY. At a cost of \$40.00 per person – total \$ 120.00

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

Carried

**PLANNING & DEVELOPMENT:**

Trustee Hoban spoke with regards to the letter from Sarah Purdy on the waterfront revitalization and Penn Yan Marine property would like to get the County, Municipal, DPW support for this. Feels it’s a good first step. Trustee Hoban would like a meeting with the County and have Trustees D’Abbracci and Stewart join Trustee Church and himself. For motion see reference under Municipal portion.

**PUBLIC SAFETY:**

Trustee Taylor would like to set up a meeting and asked if the committee members could let her know when is a good time for them to meet.

MOTION by Trustee Taylor, seconded by Trustee Allison to promote Sgt. Mike Donovan to the Investigators position. No pay increase and it will not affect the budget.

Discussion: Trustee Church had a question and wanted an answer before he voted. Trustee Church questioned Chief Mitchell he wanted to be sure that he would not be coming back to the Board in six months to a year and ask for more man power. Can you do the work with your current staff now? Chief Mitchell stated it’s a matter of rescheduling and had adequate part-time help; he wouldn’t need to fill a slot. Mayor Marchionda explained and the Chief agreed that the Investigator could also work as an officer if need to. Trustee Church asked Chief Mitchell again are you sure? Trustee Hoban thought this was going through the personnel committee, under the new policy.

Mayor called for a roll call vote

Stewart	Aye	D’Abbracci	Aye
Taylor	Aye	Hoban	Nay
Allison	Aye	Marchionda	Aye
Church	Aye		

Carried

**POLICE DEPARTMENT:**

MOTION by Trustee Taylor, seconded by Trustee Allison, to approve Sgt. Donovan attends the Fire Investigation Seminar in Montour Falls, NY on Nov. 5<sup>th</sup> thru 8<sup>th</sup>. Fee is paid by Yates County.

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

Carried

MOTION by Trustee Taylor, seconded by Trustee Allison to approve Sgt. Dunham attends Interviews & Interrogation School in Hopewell, NY on December 8<sup>th</sup> thru 12<sup>th</sup>. Cost is \$200.00

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

Carried

Chief Mitchell did add that he is sure that he will have a resignation letter in November from a Sgt. That his last day of work will be December 26<sup>th</sup> and after using vacation etc. time will be off the payroll by February 15<sup>th</sup>. Chief Mitchell would like permission to start the process on background checks for the next schooling that starts January 3, 2009. This would be an entry level position. It is understood that if the Sgt. decides not to resign Chief Mitchell will stop the procedure with the background check.

MOTION by Trustee Allison, seconded by Trustee Stewart to authorize Chief Mitchell to start with the background checks.

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

Carried

**FIRE DEPARTMENT:**

MOTION by Trustee Taylor, seconded by Trustee Church to approve Brian Peterson be elected as a member of the Hunter Hook & Ladder Co.

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

Carried

**CODE ENFORCEMENT:**

No Report

**PUBLIC WORKS:**

Trustee Allison had several issues to discuss. The ongoing issue of tree branches and brush removal. We are unlucky that we do not have a gravel pit to place these items in, so starting to look at the cost of purchasing a tub grinder. Does realize these are expensive. For now looking at renting one this winter – that will run \$3,200 a day plus. Trustee Allison is aware there are organizations out there that would help pay half of the expense. Hopes to have a cost by next meeting. Trustee Allison spoke about the DPW truck and it went out to dealerships for Bids and will open the bids on Tuesday morning. Looking at a new 2008, and in hopes the bids come in close to the state bids. Would like approval from the Board if a bid comes in close to state bid to move forward with the purchase, since there are not too many left at the dealerships.

MOITON by Trustee Allison, seconded by Trustee D'Abbracci to approve the lowest bid at the Tuesday opening of bids for a 2008 DPW truck.

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

Carried

Trustee Allison mentioned the parking lot behind Lown's needs repair and a rough cost is \$120,000. This maybe a low figure, will do this in stages, very costly. The Chips program does not pay for parking lot improvements. Will have to do this in phases. We also need to get moving on the East Elm project by the Manley property.

**STREETS:**

Street Superintendent R. Jensen mentioned they will begin leaf pick up on Monday. He asked that you do not put leaves in ditches or in the road. Trustee Allison stated the sidewalk by Meadowside is complete up to the top of East Main. We have some money left over and will continue up to Meadowside, in front of the American Legion. Trustee Allison mentioned will begin looking at monies for a new salt storage barn. Trustee Church mentioned to Trustee Allison to contact Senator Winner after the elections to see if he able to help with the Salt Storage and Lown's parking lot.

**CEMETERY:**

No Report

**BUILDINGS:**

**MUNICIPAL:**

MOTION by Trustee Allison, seconded by Trustee Church to approve the attendance of up to two (2) employees at the NYMPA Semi-Annual Meeting October 23<sup>rd</sup> in East Syracuse.

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

MOTION by Trustee Allison, seconded by Trustee D'Abbracci to approve the attendance of up to two (2) employees at the Tiff Water Symposium November 19<sup>th</sup> and 20<sup>th</sup> in East Syracuse, NY.

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

MOTION by Trustee Allison, seconded by Trustee Church to approve the Payment Agreements in the amount of \$3,418.10.

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

MOTION by Trustee Allison, seconded by Trustee Church to approve the bid for \$86,777 from H.C. Zang Agency of Buffalo, NY be accepted and that the materials be ordered to upgrade the Welker Substation.

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

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Municipal Board to advertise for bids for the PLC once the specifications are approved by the Municipal Board November 13<sup>th</sup>.

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

MOTION by Trustee Allison, seconded by Trustee D'Abbracci to approve the replacement of the outdated electric wiring and light fixtures at the boat launch for a cost not to exceed \$8,000, if the money is available in the electric fund.

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

Carried

MOTION by Trustee Allison, seconded by Trustee Stewart to approve to infrastructure survey for the former Penn Yan Marine property to determine (1) the condition of the streets and the water, sewer, natural gas and electric utilities currently servicing the area and (2) what utilities will need to be upgraded to support future development.

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

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Mayor to sign the letter to Robert Multer, Chairman, Yates County Legislature that the Village Board concurs with the County to collaborate with regards to the Penn Yan Marine property.

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

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to approve Ben Sward attends a conference on Nov. 4<sup>th</sup> in Potsdam, NY with one night accommodations.

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

Carried

**ADJOURNMENT:**

At 8:48 PM, MOTION by Trustee Allison, seconded by Trustee Taylor to adjourn the regular meeting.

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

Carried

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**

Next Village Board will be Tuesday November 18<sup>th</sup>, 2008 at 7:00 Village Hall.