

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, November 15, 2011 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor R. Church; Trustees W. Allison; C. Christensen; W. Davidson; R. Stewart; B. Winslow; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief Hulse; Parks Director D. Doyle; CEO B. Lyon; Fire Chief R. Simpson, R. French, Municipal Board Chairman

**ABSENT:** Trustee M. Christensen

News Media present: Gwen Chamberlain- Chronicle Express, Peg Thompson- Dundee Observer

**PUBLIC:** Vincent Scarpechi, Abby Lyte

Mayor Church called the Village Board meeting to order at 6:04 PM.

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to have an Executive Session to discuss negotiations and legal counsel.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**MINUTES:**

MOTION by Trustee Allison, seconded by Trustee Stewart to approve the Village Board Minutes from October 18, 2011 and Public Hearing minutes October 24, 2011 and October 26, 2011.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**GUESTS, PUBLIC REQUEST & COMMENTS:**

None

**MAYOR:**

MOTION by Trustee Allison, seconded by Trustee Davidson to approve Resolution No 72-2011 Polling Places & Hours for the Village Election on March 20, 2012

**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 20, 2012 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 20, 2012 between the hours of 12:00 noon and 9:00 o'clock P.M.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

Regular Meeting, Villaeg of Penn Yan, NY November 15, 2011

Mayor Church mentioned he will set up the Exit interview with the Auditors for Wednesday December 7, 2011 at 4:30pm. Board members were ok with date and time.

MOTION by Trustee Davidson, seconded by Trustee C. Christensen to have a Special Board meeting on December 7, 2011 at 4:30 pm for an Exit interview with the Auditors.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**ATTORNEY:**

MOTION by Trustee Winslow, second by Trustee C. Christensen to approve Resolution No 69-2011 Proposed Local Law to Prohibit Disruption of Funeral Events.

**WHEREAS**, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider a Local Law prohibiting disruption of funeral events; and

**WHEREAS**, a proposed Local Law with respect thereto has been prepared and circulated 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 no environmental impact by the adoption of such a Local Law, such adoption may accordingly be deemed a "Type II" Action pursuant to SEQRA and therefore no environmental review will be undertaken.

**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 be it 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 II" Action under SEQRA and therefore no environmental review will be undertaken; and be it further

**RESOLVED**, that a public hearing on proposed Local Law K of 2011 is hereby scheduled for December 20, 2011 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

Discussion: Trustee Stewart questioned the verbiage in one section of the Local Law and questioned the distance of 2,000 feet for picketing. Trustee Stewart felt the distance was too far. After a brief discussion it was decide to proceed with the Public Hearing. Atty. Brockman will review the Local Law and make changes for the Board to review before the Public Hearing.

MOTION by Trustee Stewart, second by Trustee Davidson to change the distance for picketing from 2,000 to 1,000 feet for picketing.

Mayor Church called a Roll call vote:

Trustee Davidson	Aye
Trustee C. Christensen	Nay
Mayor Church	Nay
Trustee Allison	Nay
Trustee Winslow	Nay
Trustee Stewart	Aye
Trustee M. Christensen	Absent

Not Carried

**COMMUNITY REVITALIZATION:**

Mayor Church mentioned recently had a few people have stopped in to pick up applications.

**MUNICIPAL:**

MOTION by Trustee Allison, seconded by Trustee Winslow to approve the bid from Insight Pipe Contracting for \$108,195 for the 12” sanitary sewer line on lower Keuka Street.

Mayor Church	Aye	Trustee Davidson	Aye	
Trustee Allison	Aye	Trustee Stewart	Aye	
Trustee C. Christensen	Aye	Trustee Winslow	Aye	
Trustee M. Christensen	Absent			Carried

MOTION by Trustee Allison, seconded by Trustee Davidson to authorize the attendance of up to five (5) employees at the FLWWC Winter Meeting being held December 1<sup>st</sup> in Waterloo, NY at a cost of \$23 per person.

Mayor Church	Aye	Trustee Davidson	Aye	
Trustee Allison	Aye	Trustee Stewart	Aye	
Trustee C. Christensen	Aye	Trustee Winslow	Aye	
Trustee M. Christensen	Absent			Carried

MOTION by Trustee Allison, seconded by Trustee Davidson to authorize the attendance of up to three (3) employees at the NYWEA Winter Meeting being held December 9<sup>th</sup> in Canandaigua, NY at a cost of \$30 per person.

Mayor Church	Aye	Trustee Davidson	Aye	
Trustee Allison	Aye	Trustee Stewart	Aye	
Trustee C. Christensen	Aye	Trustee Winslow	Aye	
Trustee M. Christensen	Absent			Carried

MOTION by Trustee Allison, seconded by Trustee Winslow to approve Utility Payment Agreements in the amount of \$7,092.95

Mayor Church	Aye	Trustee Davidson	Aye	
Trustee Allison	Aye	Trustee Stewart	Aye	
Trustee C. Christensen	Aye	Trustee Winslow	Aye	
Trustee M. Christensen	Absent			Carried

**FINANCE & ADMINISTRATION:**

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve Resolution No 71-2011 Budget Transfers

<b><u>INCREASE:</u></b>				<u>Fund Totals</u>
<b>Account Id</b>	<b>Description</b>			
			1,45	
1-A -9025-8-800	Employee Benefits-LOSAP	3		
1-A -9710-0-000	DEBT SERVICE			
			5,10	
1-A -9710-6-650	Debt Service-Serial Bond -New Firehouse	0		
			6,55	
		3		
				<b>6,55</b>
				<b>General 3</b>
				<b>Electric -</b>
				<b>Sewer -</b>
				<b>Water -</b>
				<u>6,55</u>
				<u>3</u>
				-
<b><u>DECREASE:</u></b>				
<b>Account Id</b>	<b>Description</b>			
<b>1-A -0000-0-000</b>	<b>GENERAL FUND</b>			
1-A -3410-0-000	FIRE			
			1	
1-A -3410-4-400	Fire-Grant	7		
1-A -9710-0-000	DEBT SERVICE			
			6,53	
1-A -9710-7-750	Interest-Serial Bond - New Firehouse	6		
1-A -9710-7-760	Interest-Serial Bond - Parking Lot			

	6,55
	3
	6,55
<b>General</b>	<b>3</b>
<b>Electric</b>	-
<b>Sewer</b>	-
<b>Water</b>	-
	6,55
	3

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		26,824.14
Electric		170,529.81
Sewer		8,365.40
Water		8,975.69
Capital Projects		
<b>Total Paid Before Audit</b>		<b>\$ 214,695.04</b>
<b>Current Audit:</b>		
General	\$	61,224.33
Community Development - CRC		-
Electric		7,682.10
Sewer		21,832.27
Water		57,328.55
Capital Projects		-
<b>Total Current Audit Items</b>		<b>\$ 148,067.25</b>
<b>TOTAL AUDIT</b>		<b>\$ 362,762.29</b>

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow to purchase the Online Payment Module for an annual cost of \$2,400 and implement the process.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

Discussion: Clerk/Treasurer S. Wilber discussed this will enable customers to review their history on line for taxes, utilities and pay bills on line. Customers have been requesting this for some time. Shawna explained the customer is responsible for the credit card fee not the village. Before proceeding Shawna will double check the credit card fee.

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve Resolution No 73-2011 Unpaid Village Taxes for 2011-2012

IT IS HEREBY RESOLVED, that the Village of Penn Yan shall have unpaid 2011-2012 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, 2011, and transmit to them the unpaid tax information as required by law.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**PERSONNEL:**

None

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve to the sponsorship for Wayne Marsh and Brandon Dehond at the Finger Lakes Law Enforcement Academy in February, 2012.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**FIRE DEPARTMENT:**

Monthly Fire Department report

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for Oct 2011  
run 11-13-2011 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms			
House Fires			
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires			
Car/Vehicle Fires			
Other Fires	1	18	4.2
Wires			
Other Emergency	7	121	86.8
Automatic Alarm Fires	6	94	14.1
Mutual Aid Scene	2	50	41.3
Mutual Aid Standby	1	5	5.3
Public Service	1	12	2.8
Vehicle Accident	1	29	60.4
<b>Total Fire Calls</b>	<b>19</b>	<b>329</b>	<b>214.9</b>
Medical/Rescue Calls			
First Responders			
Assist Ambulance	1	9	3.3
Other Medical			
<b>Total Med/Resc Calls</b>	<b>1</b>	<b>9</b>	<b>3.3</b>
<b>Total ALL Calls</b>	<b>20</b>	<b>338</b>	<b>218.2</b>
Other Activities			
Courses	1	1	3.0
Drills	7	47	142.3
Monthly Meetings	5	101	77.0
Committee Meetings			
Fire Prevention	5	14	15.5
Fund Raising			
Parades/Cleanup			
Work Detail	5	10	29.0
Wake/Funeral			
Line Of Duty			
Other	1	34	8.5
<b>Total Other Activities</b>	<b>24</b>	<b>207</b>	<b>275.3</b>
*****	***	****	*****
<b>Total ALL Activities</b>	<b>44</b>	<b>545</b>	<b>493.5</b>

Year to Date Fire Department

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for 2011 YTD  
run 11-13-2011 Pg 1

Description	Number	Firefighters	Manhours
<b>Fire Alarms</b>			
House Fires	5	141	291.9
Business Fires			
Grass/Brush Fires	1	25	2.1
Outside Building/Barn Fires			
Car/Vehicle Fires	5	79	22.0
Other Fires	11	203	60.3
Wires	23	309	146.3
Other Emergency	72	1357	1370.7
Automatic Alarm Fires	80	1139	227.8
Mutual Aid Scene	20	369	439.9
Mutual Aid Standby	4	39	95.2
Public Service	5	68	76.5
Vehicle Accident	7	193	214.7
<b>Total Fire Calls</b>	<b>233</b>	<b>3922</b>	<b>2947.4</b>
<b>Medical/Rescue Calls</b>			
First Responders			
Assist Ambulance	5	32	10.5
Other Medical			
<b>Total Med/Resc Calls</b>	<b>5</b>	<b>32</b>	<b>10.5</b>
<b>Total ALL Calls</b>	<b>238</b>	<b>3954</b>	<b>2957.9</b>
<b>Other Activities</b>			
Courses	37	37	557.0
Drills	71	586	1303.8
Monthly Meetings	82	950	1022.5
Committee Meetings			
Fire Prevention	5	14	15.5
Fund Raising			
Parades/Cleanup	6	135	332.0
Work Detail	32	261	1879.3
Wake/Funeral	4	45	66.3
Line Of Duty			
Other	13	172	598.5
<b>Total Other Activities</b>	<b>250</b>	<b>2200</b>	<b>5774.9</b>
*****	***	****	*****
<b>Total ALL Activities</b>	<b>488</b>	<b>6154</b>	<b>8732.8</b>

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve the removal of Daniel Irwin from the Active Roll.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve the removal of Tasha MacMillan from Active Roll.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve the removal of Jason MacMillan from the Active Roll.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**CODE ENFORCEMENT:**

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve the yearly renewal notice for National Fire Codes. Cost \$950.00

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**PUBLIC WORKS:**

Trustee Allison mentioned it was discussed at the last Public Works meeting about replacing the village entrance signs for the Village. There were originally six (6) and only two (2) are remaining. We are looking at seeking sponsorships to help with the cost. Had one (1) local club already approached us but they had initially determined the project was outside their current capabilities to support. Bill Jensen stated the cost will be around \$4,000 for each sign. Bill stated he has a list of other communities which have the signs which we can go look at. The current sign company under consideration is willing to bring a sample to a meeting. Brent Bodine understands it's a big expense. Trustee Winslow explained we are just starting reviewing the options for new signs and sponsorships.

**PARKS & RECREATION:**

Trustee Stewart mentioned he was given a parks summary report yesterday from Dan. The report compared this year and past years for attendance, and the increased in non-village residents using the area. Trustee Stewart stated he forgot his copy but will forward a copy to Board members. Discussed the \$15,000 which we will not be receiving from the County.

**PLANNING & DEVELOPMENT:**

Trustee Davidson mentioned we are working on the grant application files. Getting paper work together for the electronic file.

**PLANNING BOARD:**

**COMMENTS**

**ADJOURNMENT:**

At 6:42 PM, MOTION by Trustee Winslow, seconded by Trustee C. Christensen to move into Executive Session.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:24PM, MOTION by Trustee Allison, seconded by Trustee C. Christensen to leave Executive Session and return to regular Village Meeting.

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

**ADJOURNMENT:**

At 7:30 PM MOTION by Trustee Allison, seconded by Trustee C. Christensen to adjourn the regular meeting

Mayor Church	Aye	Trustee Davidson	Aye
Trustee Allison	Aye	Trustee Stewart	Aye
Trustee C. Christensen	Aye	Trustee Winslow	Aye
Trustee M. Christensen	Absent		

Carried

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**