

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, November 20, 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; Attorney Ed Brockman; Police Chief Hulse; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; CEO B. Lyon; Fire Chief R. Simpson

ABSENT: Clerk/Treasurer S. Wilber

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

PUBLIC: Jens Jensen, Mark Morris, (Jens family members) Sharon Jensen, Katy Anderson and Bill Jensen

Mayor Church called the Village Board meeting to order at 6:05 PM.

Mayor Church and Board personally Thanked Jens for his dedication to the volunteer Fire Department for the last 38 years. Jens received a standing ovation.

Mayor Church read the Proclamation aloud and presented it to for Jens Jensen for his dedication years of service.

WHEREAS, John (Jens) Jensen joined the Penn Yan Fire Department in February 1974 and has been a member of the Hook and Ladder Company, he served two terms as Chief from 1993 - 1995 and 2001 - 2003 and,

WHEREAS, we appreciate the dedication that Jens has shown over the past 38 years, and

WHEREAS, Jens has given his time and energy to the Village of Penn Yan in his role as a Fire Fighter, and

WHEREAS, he has performed wholeheartedly in his role, and

WHEREAS, the Mayor, Village Board and residents of the Village of Penn Yan wish to recognize this significant contribution to the community over these past 38years.

IN WITNESS AND RECOGNITION WHEREOF,

I have hereunto set my hand and caused the Seal of the Village of Penn Yan, New York to be affixed this 20th day of November, 2012.

MOTION by Trustee M. Christensen seconded by Trustee Winslow to authorize to remove Jens Jensen from the active roll effective 10-2-2012

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

6:00 PM PUBLIC HEARING – Proposed Amendment to the Sidewalks Article of the Streets and Sidewalks Chapter of Village Code

At 6:07 PM **MOTION** by Trustee M. Christensen seconded by Trustee C. Christensen to open the Public Hearing.

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

Mayor Church asked twice for any comments or concerns regarding the Public Hearing. No Comments

At 6:09 PM **MOTION** by Trustee M. Christensen seconded by Trustee Reeve to close the Public Hearing

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

MOTION by Trustee Reeve seconded by Trustee Winslow to authorize Resolution 56-2012 for 2013 Sidewalk Improvement Application.

WHEREAS, the Board of Trustees of the Village of Penn Yan has amended Section 174-6 of the Streets and Sidewalk Chapter of the Village Code providing that the Board of Trustees annually establish dates, by resolution, relative to the application process of the Sidewalk Improvement Program; and

WHEREAS, the Public Works Committee has recommended dates to the Board of Trustees as a schedule for the 2013 Sidewalk Improvement Program and the application and instructions with respect thereto, a copy of which is attached hereto and made apart hereof.

NOW THEREFORE BE IT :

RESOLVED, that the Board of Trustees of the Village of Penn Yan approves the 2013 Sidewalk Improvement Program; and it is further

RESOLVED, that notice of the availability of the program shall be published no later than February 18, 2013.

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

6:05 PM PUBLIC HEARING – Amending the Vehicles and Traffic Chapter of the Village Code with respect to Parking Regulations

At 6: 08 PM **MOTION** by Trustee Reeve seconded by Trustee Winslow to open the Public Hearing.

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

Mayor Church asked twice for any comments or concerns regarding the Public Hearing. No Comments

Atty. Brockman separately read and reviewed each SEQR in full.

MOTION by Trustee Winslow, seconded by Trustee M. Christensen to authorize Mayor Church signs the SEQR for designating No Parking on East Elm Street.

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 C. Christensen to authorize Mayor Church signs the SEQR for designating Parking on Water Street.

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 Mayor Church signs the SEQR for establishing Handicap parking in Municipal parking lot 3-behind the old Lown’s building.

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

At 6:23PM **MOTION** by Trustee C. Christensen, seconded by Trustee Winslow to close the Public Hearing.

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

Atty. Brockman asked for clarification on the loading zone on Main Street, the residents have requested it be put back to normal parking.

MOTION by Trustee Allison, seconded by Trustee C. Christensen to authorize Resolution No 57-2012 Proposed Local Law Amending the “Vehicles and Traffic Chapter” of the Village Code with Respect to Parking Issues.

WHEREAS, the Village Department of Public Works has recommended amendment of the Vehicles and Traffic Chapter of the Village Code with respect to parking, as follows:

A. Establish no parking zones on the north and south side of East Elm Street from the easterly line of the Finger Lakes Railroad crossing to the west line of Walnut Street; and

B. Abolish the loading zone parking area on the east side of Main Street, south of East Elm Street.

C. Creation of twelve (12) new parking spaces on the northerly side of Water Street between Liberty Street and Main Street.

WHEREAS, SEQRA issues will be addressed with respect thereto

Now Therefore, be it Resolved

1. That for purposes of SEQRA issues, the Board of Trustees of the Village of Penn Yan declares itself "Lead Agency", declares this to be an "Unlisted" action and accordingly a Short Environmental Assessment Form (SEAF) will be prepared.

2. The Village Attorney is requested to prepare a proposed Local Law with respect hereto.

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

6:15PM PUBLIC HEARING – Amending the Zoning Chapter of the Code of the Village of Penn Yan to Create an Overlay Zoning District

At 6:25 PM **MOTION** by Trustee Reeve seconded by Trustee Allison to open the Public Hearing.

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

Mayor Church asked twice for any comments or concerns regarding the Public Hearing. No Comments

At 6: 28PM.**MOTION** by Trustee Reeve, 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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to have an Executive Session to discuss Health issue relating to an employee and Parks & Recreation for a. legal issue.

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

MINUTES:

MOTION by Trustee Allison, seconded by Trustee C. Christensen to approve the Village Board Minutes for October 16, 2012 and Special Village Board meetings for October 22, 26 and November 8, 2012.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Mayor Church mentioned the annual Star Shine event is being held on Friday December 7th from 4:00pm – 9:00pm at the Court House lawn, First Baptist Church and Public Library.

MAYOR:

Mayor Church explained today he and Trustee C. Christensen reviewed the Penn Yan Village court papers with Sharon Nichols/Court Clerk - the paper work is in good shape. Atty. Brockman is drafting up paperwork for December's meeting.

Mayor Church mentioned effective the first Monday of December he is starting to work on next year's budget – Board and Supervisors are welcome to stop in and discuss this with him. Mayor explained Excellus BC/BS has gone up 12% for 2013/2014. This increase will put us over the 2% tax levy.

ATTORNEY:

MOTION by Trustee Winslow, seconded by Trustee Stewart to authorize Resolution No.58-2012 Potential Annexation Proceeding Concerning Property Located at 1984 Outlet Road in the Town of Milo and set a joint Public Hearing for December 17, 2012 at 7:00PM at the Milo Town Hall.

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

MOTION by Trustee Reeve, seconded by Trustee C. Christensen to authorize Resolution No 59 - 2012 Adoption of Local Law Imposing a Moratorium on High Impact Industrial uses in the Village of Penn Yan.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

WHEREAS, a Local Law was prepared, a public hearing duly held thereon and modifications made to said local law;

WHEREAS, a subsequent public hearing was held before the Board of Trustees on said modified proposed Local Law on September 18, 2012; and

WHEREAS, the Board of Trustees previously received a copy of the modified proposed Local Law in excess of ten (10) days prior to the consideration hereof.

WHEREAS, the matter was previously referred to the Yates County Planning Board and was subsequently approved thereby.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law C of the Year 2012.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

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

COMMUNITY REVITALIZATION:

No report

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize RAM Consulting to design a selectable switch for the manual LTC voltage reduction for each transformer at the Ryder and Welker substations at a cost of \$9,275.

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 going out for bids for the wood utility poles in various sizes and quantities to make a truckload.

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 Elliott Engineering Services to do a Phase I Environmental Audit for CWSRF waterfront sewer upgrades at a cost of \$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 Winslow to authorize the attendance of a sixth employee at the FLWVC Winter Meeting being held December 6th in Waterloo, NY (five employees were already approved to attend per Resolution 16-2012).

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 Utility Payment Agreements in the amount of \$15,169.72.

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.

AUDIT:

		Amount:
Paid Before Audit:		
General		67,298.16
Electric		142,958.93
Sewer		7,913.67
Water		8,204.65
Capital Projects		
Total Paid Before Audit		\$ 226,375.41
Current Audit:		
General	\$	198,816.54
Community Development - CRC		-
Electric		60,159.31
Sewer		46,657.26
Water		34,691.62
Capital Projects		-
Total Current Audit Items		\$ 340,324.73
TOTAL AUDIT	\$	566,700.14

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

PERSONNEL:

No update

PUBLIC SAFETY:

Trustee M. Christensen explained for the time being the Public Safety meeting will be held at 3:00 PM on the Monday before the monthly Village Board meeting.

POLICE DEPARTMENT:

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Sgt. Dunham and Officer McKnight attend a two day Search Warrant training at the Finger Lake Law Enforcement Academy on December 11th and 12th. No cost for training.

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 declare 1994 Honda Accord and 1999 Pontiac surplus. Both cars were seized by the Department during arrests. Proceeds from the sale of the Pontiac will be split with the Yates County District Attorney's Office.

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

FYI - The surplus Bikes were sold at the Finger Lakes Produce Auction on November 3rd, bikes netted \$403.75 after auction fees.

Chief Hulse explained he will not be sending anyone to the Motorcycle Enforcement Training in Hopewell, NY on November 27th.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize 2 Officers to attend the SFST (Standardized Field Sobriety Testing on December 5 & 6 in Hopewell, NY. No cost

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 Oct 2012
 run 11-13-2012 Pg 1

Description	Number	Firefighters	Manhours
Fire Alarms	1	34	162.6
House Fires			
Business Fires			
Grass/Brush Fires			
Outside Building/Barn Fires	1	15	2.5
Car/Vehicle Fires			
Other Fires			
Wires	8	145	74.8
Other Emergency	4	47	33.3
Automatic Alarm Fires	7	71	7.3
Mutual Aid Scene	1	16	4.8
Mutual Aid Standby			
Public Service			
Vehicle Accident	2	44	17.4
Total Fire Calls	24	372	302.7
Medical/Rescue Calls			
First Responders			
Assist Ambulance			
Other Medical			
Total Med/Resc Calls	0	0	0.0
Total ALL Calls	24	372	302.7
Other Activities			
Courses	2	2	45.0
Drills	11	66	132.0
Monthly Meetings	6	69	69.0
Committee Meetings			
Fire Prevention	3	4	9.8
Fund Raising			
Parades/Cleanup	9	34	137.0
Work Detail	1	3	3.0
Wakes/Funeral			
Line Of Duty	1	26	6.5
Other			
Total Other Activities	33	204	402.3
*****	***	*****	*****
Total ALL Activities	57	576	705.0

Yearly Fire Department report

Penn Yan Volunteer Fire Department REPORT TO THE CHIEF for 2012 YTD
run 11-13-2012 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	8	202	152.8
Other Fires	14	257	80.7
Wires	28	472	332.9
Other Emergency	55	960	428.3
Automatic Alarm Fires	85	1256	433.3
Mutual Aid Scene	17	377	405.3
Mutual Aid Standby	3	56	26.6
Public Service	1	19	1.9
Vehicle Accident	11	227	119.7
Total Fire Calls	234	4130	2467.2
Medical/Rescue Calls			
First Responders			
Assist Ambulance	19	226	101.1
Other Medical	1	19	1.9
Total Med/Resc Calls	20	245	103.0
Total ALL Calls	254	4375	2570.2
Other Activities			
Courses	24	24	455.0
Drills	71	632	1597.3
Monthly Meetings	87	989	998.8
Committee Meetings			
Fire Prevention	4	6	13.8
Fund Raising			
Parades/Cleanup	5	104	275.0
Work Detail	94	643	2203.0
Wake/Funeral	2	19	15.0
Line Of Duty			
Other	17	175	479.3
Total Other Activities	304	2592	6037.2
*****	***	*****	*****
Total ALL Activities	558	6967	8607.4

MOTION by Trustee M. Christensen, seconded by Trustee Allison to authorize to remove Ted (Theodore Bacher) from the active roll effective 11-6-2012

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 Allison to authorize Karen Fitzpatrick be elected to membership in Hydrant Hose Company effective 11-6-2012.

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

CODE ENFORCEMENT:

No update

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the bid from Lakeview Lawn and Landscape, Inc.

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

MOITON by Trustee Allison, seconded by Trustee Winslow to authorize to re-bid for the Tree Planting contract for the Urban & Community Forestry Grant

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 declare the 930H CAT couplers as surplus and sell at the Tietsworth auction in the spring.

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 the renewal Agreement between the Village of Penn Yan and Joseph Patchett for the 1-year land lease. Located north of the Himrod Road in the Town of Milo, approximately 38.26 acres with a rent charge of \$600.00.

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

Trustee M. Christensen is unsure why was the street light at East Main and Lake Street being discussed at the Public Works meeting. It initial started with Public Safety and feels it needs to be discussed at this level. Trustees Winslow, Allison and Reeve explained it was brought up at Public Works and was just discussed; all three Trustee feel the light should not be changed back to a blinking. No action was to be taken on this tonight. Atty. Brockman mentioned Brent Bodine and himself are starting to work on a Local Law for all lights and right on red for the Village Code.

Mayor Church mentioned he was contacted that a local resident who has donated money to be used towards trees in our gateway. This offer was thru an estate. Looking into this more.

PARKS & RECREATION:

Trustee Stewart explained the committee is only discussing this - no action is required from the board tonight. Discussing changing Parks & Recreation Committee to Facilities & Recreation Committee. He explained Dan Doyle is now responsible for cemetery and village owned facilities buildings – removed those from Public Works and place under the Facilities & Recreation Committee. Trustee M. Christensen feels should stay with Public Works and Mayor Church feels Parks & Recreation should stand alone.

PLANNING & DEVELOPMENT:

No update

PLANNING BOARD:

Trustee Reeve stated there where a few of the Planning Board members did attend the Charrette meeting a few weeks ago. Good turnout from the public approximately 120 people.

COMMENTS

EXECUTIVE SESSION:

At 7:06PM **MOTION** by Trustee Stewart, seconded by Trustee Winslow to authorize to move into Executive Session and invited Rom French and Dan Banach to attend.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:15 PM **MOTION** by Trustee M. Christensen, seconded by Trustee Winslow to leave Executive Session and return to regular Village Meeting.

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

ADJOURNMENT:

At 8:15 PM **MOTION** by Trustee M. Christensen, seconded by Trustee Winslow to authorize to adjourn the regular 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: