

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, November 9, 2004 at 7:00 PM in the Maxwell Building, 127 Main Street, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees W. Allison, N. Taylor, N. Koek, M. Christensen and G. Smith; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood; Village Attorney E. Brockman; Village Treasurer M. Socola; and Code Enforcement Officer B. Lyon (arrived at 7:10PM)

ABSENT: Trustee R. Schwingle, Street Superintendent R. Jensen, Police Chief Hill, Cemetery Superintendent L. Axtell, Recreation Director D. Doyle and Fire Chief Pallar

Public Attendees: Mr. & Mrs. Armstrong, Mr. & Mrs. Stewart, Mr. Raymond Knafo, and Mr. Bill Cain

News Media present: Gina Muscato, Finger Lakes Times and Connie Murphy, The Chronicle Express

Mayor Marchionda called the meeting to order at 7:03 PM and led the Pledge Allegiance to the Flag.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Koek, seconded by Trustee Christensen to hold an *Executive Session* at the end of the meeting concerning legal and personnel matters. Unanimously Carried.

MINUTES:

MOTION by Trustee Koek, seconded by Trustee Smith to approve the minutes of the regular Village Board meeting of October 26, 2004 as submitted. Unanimously Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS:

Barbara Stewart, 342 Elm Street, was present to discourage the Board from adopting proposed Resolution No. 42-2004 repealing Resolution No. 01-1998 adopted January 8, 1998, by forgiving the reimbursement of a LDC grant issued to Douglas G. Marchionda, Sr. in 1995. Attorney Brockman tried to explain to Mrs. Stewart the reason(s) for not pursuing the collection of a 9-year old grant, but to no avail. It has been decided that there was no conflict in the first place, and that litigation would probably cost more than the grant itself. Due to a local resident's complaint, the Office of the New York State Comptroller conducted a *risk assessment survey* of the Village's financial operations over more than a 6-month period. They examined this LDC issue extensively and stated "during our survey nothing came to our attention indicating the Village was in need of further services from us at this time." This resolution is simply to close the matter.

Raymond Knafo, 16 Hillcrest Drive, was present to complain about the Code Enforcement Officer Bruce Lyon. Mr. Knafo accused Mr. Lyon of harassing his wife, and stated that he is a bad man, and should be replaced. The Board replied that they would look into the situation, however, they are aware that there are many extenuating circumstances leading to this series of accusations.

Mrs. Stewart spoke again; this time requesting that the crosswalk on Elm Street in front of their home over to Burns Terrace be re-painted, as it was covered by the last pavement construction. The matter was referred to Director of Public Works Balsley and to the Public Works committee for consideration.

MAYOR:

Mayor Marchionda proclaimed Tuesday, November 16, 2004 as *ACADEMIC EXCELLENCE DAY* in the Village of Penn Yan.

ATTORNEY:

MOTION by Trustee Christensen, seconded by Trustee Smith to adopt RESOLUTION NO. 42-2004 relative to the PY Local Development Corporation grant issued to Doug Marchionda, Sr. in 1995. Unanimously Carried.
(FYI: the Mayor did not vote)

Attorney Brockman informed the Board that he has started the draft for the new "snowmobile law", but needs input as to the rules and regulations. Attorney Brockman would like to attend the next Parks & Recreation Committee.

Village Treasurer Socola will set a date to meet with the Branchport/Keuka Park Fire District to discuss the future fire contracts and Attorney Brockman will also attend that meeting.

CORRESPONDENCE:

MOTION by Trustee Koek, seconded by Trustee Smith to approve the Y.C. Chamber of Commerce's request to hold their annual *STARSHINE* on Friday, December 3, 2004 from 4:00 PM to 9:30 PM, and also to close Main Street. They are to contact the Police, Street and Fire Departments. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the Chamber's request for a permit to hang a banner on upper Main Street from November 22nd to December 6th. Unanimously Carried.

WORKSHOP:

MOTION by Trustee Christensen, seconded by Trustee Allison to approve Dick Osgood, a member of the Penn Yan Planning Board, to attend the Genesee/Finger Lakes Regional Planning Council's Fall 2004 Local Government Workshop on Friday, November 19th at a cost of \$40.00. Unanimously Carried.

AD HOC BUILDING COMMITTEE for VILLAGE HALL/POLICE STATION:

Assistant Director of Public Works Osgood gave an up-to-date progress report of the new construction.

MOTION by Trustee Smith, seconded by Trustee Taylor to authorize the Mayor to sign *CHANGE ORDER NUMBER 002* with Frank J. Marianacci, Inc., General Contractor, for nine change proposals adding \$24,751.40 to the contract cost for the new Village Hall/Police Station project. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Mayor to sign *CHANGE ORDER NUMBER 001* with Unified Mechanical Contractors, Plumbing Contractor, for two change proposals with a net deduction of \$3,071.31 from the contract cost. Unanimously Carried.

MOTION by Trustee Christensen, seconded by Trustee Smith to authorize the Mayor to sign *CHANGE ORDER NUMBER 1 CONTRACT 2* with Frey & Campbell, Inc., HVAC Contractor, for three change proposals adding \$12,978.11 to the contract cost. Unanimously Carried.

AUDIT:

MOTION by Trustee Smith, seconded by Trustee Taylor to pay the current bills as submitted:

Village:	Paid before audit: General Fund	320.85
	General Fund	28,096.65
	Capital Fund (Vill. Bldg.)	263,842.17
Municipal:	Electric	8,416.92
	Water	17,156.92
	Sewer	32,573.38

Unanimously Carried.

FINANCE & ADMINISTRATION: G. Smith

A short meeting was held this afternoon, October 26th at 2:30 PM in the Village Office.

No report at this time.

PERSONNEL: N. Koek, Chair

Last meeting was held this morning, Thursday, November 9th at 7:00 AM in the Village Office, 2nd fl.

Trustee Koek announced the following: at the September 28th meeting, Matt Yonts was hired to the new position of *Water Treatment Plan Operator Trainee* and at the October 12th meeting, Dean Roberts was hired to the position of *Water/Sewer Maintenance Helper*; both began their new jobs yesterday, Monday, November 8th, along with Jamie Sisson who was hired at the October 26th meeting as an *MEO (L)*.

PARKS & RECREATION – Randy L. Schwingle, Chair

The next committee meeting will be scheduled at a later time.

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve up to four (4) Village employees to attend the *10th Annual Downstate Recreation Conference* on Wednesday, November 17th from 9:00 AM until 3:30 PM in Westchester County, White Plains, NY at a cost of \$60.00 each. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor for the Village to pay for one-night’s lodging for each of them.

Unanimously Carried.

PLANNING & DEVELOPMENT: M. Christensen

Due to the Thanksgiving holiday, the next meeting will be held on the 5th Monday, November 29th, in the Village Office at 7:00 PM.

No report at this time.

PUBLIC SAFETY: N. Taylor, Chair

The last meeting was held today, Tuesday, November 9th at noon in the Wagner Restaurant. Chair Taylor would like to schedule committee meetings on the 4th Tuesday of each month, however, the next meeting will be determined at a later date.

Police Department:

Chuck Roach, Maintenance Manager from the PY Central School District, has requested that the Village eliminate six (6) parking spaces on Liberty Street to make the ingress/egress of the planned new student parking lot safer for everyone concerned. Further discussion is necessary with Chief Hill, school personnel and the NYS Department of Transportation.

Fire Department:

No report at this time.

Code Enforcement Office:

No report at this time.

PUBLIC WORKS: W. Allison, Chair

The next meeting has been changed to Tuesday, November 16th at 12:00 PM in the Wagner Restaurant

Streets:

Trustee Allison informed the Board that although it snowed today, leaves are still being picked-up.

Cemetery:

Superintendent Axtell has requested that a waterline be installed to the shop for safety reasons. This matter will be discussed at the next committee meeting.

MUNICIPAL:

Last meeting was held on Thursday, November 4, 2004 at 2:00 PM in the Maxwell Building

MOTION by Trustee Allison, seconded by Trustee Koek to approve *Payment Application No. 4* in the amount of \$14,661.08 to Western New York Contractors, Inc. for the Walnut Street and Florence Avenue Water Main Improvements project. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve Assistant Director of Public Works Osgood to attend the CNYPE Seminar on Tuesday, November 15th, thereby maintaining his professional development hours. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to approve up to five (5) employees to attend the Finger Lakes Water Works Conference Winter Meeting on Thursday, December 2nd in the Village of Dresden. Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize the Municipal to put out to bid the installation of pump #1 at the Cherry Street pump station. Unanimously Carried.

ADJOURNMENT TO EXECUTIVE SESSION:

At 9:00 PM, MOTION by Trustee Christensen, seconded by Trustee Allison to adjourn into *Executive Session* concerning personnel and legal matters. Unanimously Carried.

(10 minute break)

ADJOURNMENT:

At 9:40 PM, MOTION by Trustee Koek, seconded by Trustee Allison to adjourn the *Executive Session* and return to the regular meeting. Unanimously Carried.

At 9:41 PM, MOTION by Trustee Koek, seconded by Trustee Smith to adjourn the regular Village Board meeting. Unanimously Carried.

Linda K. Banach, Village Clerk

► The next Regular Village Board meeting will be held on Tuesday, December 14, 2004 in the **new Village Hall, Room 202** located at **111 Elm Street**.

