

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, December 13, 2005 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

PRESENT: Mayor D. Marchionda, Jr.; Trustees N. Taylor, W. Allison, N. Koek, G. Smith, and M. Christensen; Village Treasurer Socola; Village Attorney Brockman; Recreation Director Doyle; CEO Lyon; Director of Public Works E. Balsley; Assistant Director of Public Works R. Osgood; Street Superintendent R. Jensen, and Police Chief S. Hill

ABSENT: Village Trustee Schwingle, Cemetery Superintendent L. Axtell and Fire Chief J. Housel

Public Attendees: List of attendees attached

News Media present: Gina Muscato, Finger Lakes Times; Gwen Chamberlain, Dundee Observer and Eileen Farrar, Chronicle Express

Mayor Marchionda called the meeting to order at 7:06PM and led the Pledge Allegiance to the Flag.

AS ADVERTISED.....

MOTION by Trustee Koek, seconded by Trustee Smith for Mayor Marchionda to open the public hearing for Local Law H of 2005 amending Chapter 132 "Parks and Playgrounds" providing that operation of snowmobiles on the Outlet Trail and in the Elm Street Sports Complex recreation area be permitted.....

Mayor Marchionda informed the audience that the Board is going to have some conservation about this law. There has been a lot of misinformation portrayed that simply is not true, and we want to put those rumors to rest. This local law is to amend the Parks and Playgrounds Chapter, being more localized on the outlet trail. The Village has been seeking a way to get the snowmobiles from the westerly end of the trail to outside the Village limits. If the law were passed, the Village would decide where the route would go. It was never anyone's intention to open the cemetery in its' entirety for snowmobile traffic, and has never been the case. This is from the DPW barns to the Indian Pines Fruit Stand across Route 54A, an area of about 150 feet, and once again, not the entire cemetery. Trustee Allison, a snowmobile enthusiast himself, and along with other snowmobile riders have been using the outlet trail for 17 years until a complaint surfaced about a year and a half ago. Since then they have been researching whether it is really illegal or not. Since it is legal to cross a state route, they are trying to figure out a safe way to cross Route 54A. Several different options have been looked into, for the safest possible route. After more discussion, the Mayor opened the hearing for public comments.....

(summarized)

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|---|---|
| (1) Patrick Willson, Bellona Station Road | supports – has ridden for years |
| (2) Barbara Stewart, Elm Street | opposes – biggest concern is safety for the kids, cemetery should not be touched, and the bridges are not made for snowmobiles |
| (3) Neil Freeland, Leach Road | supports – need for local access for snowmobiles, would be happy to spend his money in Village |
| (4) Brian Zerges, Best Western Hotel | supports – snowmobiles are a great part of local culture and that they are allowed in state parks such as Allegany and Letchworth |
| (5) Bonnie DeMistry, Leach Road | supports – should be allowed with respectful use |
| (6) Jim Farman, East Lake Road | supports – member of snowmobile club; promotes responsible use |
| (7) Barbara McCullum, Seneca Street | opposes – concerned with speeds and the time of day of use |
| (8) Elizabeth Armstrong, Elm Street | opposes – some confusion regarding the hours |
| (9) Evan Sorber, Stark Avenue | opposes – questioned insurance liability, risk |
| (10) Bob Hawley, Champlin Avenue | opposes – concerned with the signs; enforcement of laws |
| (11) Bob Davis, Clinton Street | – strongly urges Willie to recuse himself from all voting |
| (12) Donald Lawrence, Clinton Street | opposes – feels snowmobiles are not a compatible use for the outlet trail |
| (13) Ruth Davis, Clinton Street | opposes – strongly opposed to cemetery route |
| (14) Anne Gunn, Elm Street | opposes – still believes noise test was not done correctly, etc. |
| (15) Rick Ayers, Ayers Road | supports – children ride snowmobiles, family event; opportunity to build trail network |
| (16) Dan Spence, Outlet Road | supports – president of Friends of Outlet – thought the proposal was fair, but if done, it should be done well |
| (17) Matt Yonts, Pepper Road | supports – good recreational use |
| (18) Fran Hartwell, Outlet Road | opposes – strongly opposes any cemetery use, conflict with existing laws and too much noise |
| (19) Mike Jensen, Widow Hill Road | opposes – years ago used to ride in the streets; make route for snowmobiles, not outlet trail |
| (20) Craig Wager, Ayers Road | supports – definitely compatible use |
| (21) Steve Knapp, 200 Main Street | opposes – President of YC Genealogical & Historical Society believes use of snowmobiles on historic outlet trail would be inappropriate |
| (22) Brent Hoover, Cornwell Street | supports – |
| (23) Jill Wager, Ayers Road | supports – fun and safe family event |
| (24) Todd Whitford, Kinney Corners Rd. | supports – compatible use, other disruptive noises in cemetery |
| (25) Marion Loudon, East Lake Road | |
| (26) Ann Smith, Lynn Road, Branchport | opposes – claims cemetery is private land |
| (27) Dana Jensen, Dresden | supports – |
| (28) Evan Sorber (again) | |
| (29) Anne Glazier, North Avenue | opposes – where do snowmobiles park when visiting Village |
| (30) Carl Sands, Geneva | supports – member of YASTA, promotes good family activity |
| (31) Barb Stewart (again) | |
| (32) Steve Knapp (again) | |
| (33) Connie Sands, Geneva | supports – |
| (34) Nancy Rembaum, Dundee | opposes – loophole concerning cemetery |
| (35) Wayne Davidson, Lincoln Avenue | |
| (36) Sara Purdy, Glencoe Avenue | |
| (37) Roger Sands, Gray Road | supports – noise not excessive, cars allowed in cemetery |
| (38) Eric Beattie, East Lake Road | supports – he also has family in cemetery, would not disrespect |
| (39) Bob Hawley (again) | |
| (40) Jared Bailey, Himrod | supports – |
| (41) Katherine Lawrence Clinton St. | opposes – against cemetery route |
| (42) Barbara Pinckney, Northview Dr. | opposes – husband is buried there, snowmobiles should not travel through cemetery |
| (43) Sean Allison, Burns Terrace | supports – no intentional damage, snowmobile riders respectful |

Trustee Christensen suggested mapping out a proposed route to relieve concerns

Trustee Smith thought it was very disappointing how this issue has split the community. He has found the snowmobile riders to be courteous whenever he cross-country skis on the trail

Mayor Marchionda, as Elm Street resident, claimed snowmobiles on the outlet trail (behind his house) have never awakened him, but emphasized that he does not want them going through the cemetery

(Note from the Clerk: The public comments are incomplete as I was depending on two tape recorders – and to my total dismay, I found neither worked)

At 8:48 PM, MOTION by Trustee Christensen, seconded by Trustee Koek to close the public hearing. Carried.

8:48PM brief break
8:57 PM continued with regular meeting.....

MOTION by Trustee Allison, seconded by Trustee Koek called for an Executive Session to be held at the end of the meeting concerning personnel matters. Carried.

MINUTES:

MOTION by Trustee Smith, seconded by Trustee Taylor to approve the minutes of the November 8, 2005 regular Village Board meeting, as corrected.....

Minutes should read: Local Law E of 2005 was adopted as Local Law 04-2005; Local Law F of 2005 was adopted as Local Law 05-2005; and Local Law G of 2005 was adopted as Local Law 06-2005..... Carried.

GUESTS, PUBLIC REQUESTS & COMMENTS: (See “public hearing” list)

MAYOR:

MOTION by Trustee Smith, seconded by Trustee Koek to authorize Mayor Marchionda to sign the Fire Contract Renewal Agreements for 2006 with The Towns of Barrington, Benton and Milo, and the Branchport/Keuka Park Fire District. Carried.

MOTION by Trustee Smith, seconded by Trustee Christensen to adopt RESOLUTION NO. 36-2005 for Yates County to make application for funds from the NYS Department of State in accordance with the provision of the Quality Communities Program in cooperation with the Towns of Jerusalem and Milo, and the Village of Penn Yan. Carried.
(Re: Waterfront Revitalization Development)

ATTORNEY:

MOTION by Trustee Christensen, seconded by Trustee Smith to authorize Mayor Marchionda to sign the *Amended Waterline Easement to the Yates County Courthouse* upon receipt of said document and final approval of Village Attorney Brockman. Carried.

Attorney Brockman requested that the *Certified Local Government Program Audit Response* be tabled until the January 2006 Village Board meeting to give sufficient time to the Trustees, the Parks & Recreation and Finance Committees for their review.

MOTION by Trustee Allison, seconded by Trustee Koek to pass RESOLUTION NO. 26-2005 Adoption of proposed Local Law C as Local Law No. 07-2005 re: definition amendments and signage regulation changes to the Zoning Chapter in the Village Code. (Public Hearing was held October 11, 2005)

Record of Vote:	Trustee Allison	aye	
	Trustee Christensen	aye	
	Trustee Koek	aye	
	Trustee Taylor	aye	
	Trustee Smith	abstained	
	Trustee Schwingle	nay (due to absence)	Motion Carried.

Attorney Brockman introduced the matter of sign(s) placement on the Outlet Trail at Cherry Street to the Board, with resident Bob Hawley sharing his concerns. Friends of the Outlet members must have erected the signs on Village property. Who has the authority to place or remove said signs? Street Superintendent Jensen and Police Chief Hill will move the signs when weather permits.

Attorney Brockman announced that a joint public hearing with the Towns of Benton and Jerusalem will be held on Monday, December 19th at 7:00 PM in the Village Hall, Room 202 concerning the annexation of approximately .40 acre of Butcher property into the Village.

CORRESPONDENCE:

Letters received from Sweet Arrow Anglers, Pottsville, PA and Norm Stoffregen, also of Pottsville, PA, both requested use of the boat launch site for their upcoming bass tournaments. One will be held on June 17th & 18, 2006 and the other one is scheduled for September 23rd & 24, 2006. The Board appreciates the notification.

MOTION by Trustee Christensen, seconded by Trustee Smith that the Village of Penn Yan act as Lead Agency for the Yates Cultural and Recreational Resources, Inc. to make application to the Governor’s Office for Small Cities 2006 Community Development Block Grant (CDBG) program for funding up to \$400,000.

Record of Vote:	Mayor Marchionda	aye	
	Trustee Christensen	aye	
	Trustee Smith	aye	
	Trustee Taylor	aye	
	Trustee Allison	abstained	
	Trustee Koek	abstained	
	Trustee Schwingle	nay (due to absence)	Motion Carried.

AUDIT:

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

Village:	Paid before audit – General Fund	207,430.55
	General Fund	21,572.07
	Paid before audit – LDC Funds	<u>249.00</u>
	Total Village audit:	229,251.62

Municipal:	Paid before audit – Electric	172,005.24	
	Electric Fund	39,245.93	
	Water Fund	37,233.27	
	Sewer Fund	50,104.66	
	Capital Electric	1,911.79	
	Capital Water	68.00	
	Capital Sewer	<u>11,190.54</u>	
	Total MUB audit:	301,759.43	Carried.

FINANCE & ADMINISTRATION: G. Smith, Chair; W. Allison & N. Taylor

Last meeting was held today, Tuesday, December 13th at 3:00 PM in the Village Hall, 111 Elm Street, 2nd fl.

◇ Trustee Smith informed the Board that the matter of whether to purchase P/C Code Book software from General Code Publishers is still being reviewed.

◇ The *Lease Agreement* for 361 Elm Street should be reviewed by the Trustees to be acted upon at the December 19th Special Village Board meeting.

PERSONNEL: N. Koek, Chair, M. Christensen & R. Schwingle

The last meeting was held Tuesday, November 1, 2005 at 7:00 AM in the Village Hall, 111 Elm Street

◇ Trustees Koek and Christensen introduced a *Family and Medical Leave Act Policy* for the Board to review before the January 10, 2006 Village Board meeting.

PARKS & RECREATION: R. Schwingle, Chair, W. Allison & N. Koek

The next meeting has been scheduled for Monday, December 19th at noon in the Wagner Inn, East Elm Street

◇ Trustee Koek announced that Recreation Director Doyle has planned the following trips sponsored by the Village's Recreation Department: on Saturday, January 7, 2006 to Buffalo for the Sabres and Devils hockey game at a cost of \$65 per person; and on Saturday, March 25, 2006 and Sunday, April 9, 2006 to "The Lion King" in Rochester at a cost of \$105 per person in March, and \$90 each in April. If anyone is interested, please call 315-531-1567.

◇ Trustee Koek added that he would push for a vote concerning the snowmobile issue at the January 10th meeting.

PLANNING & DEVELOPMENT: M. Christensen, Chair, R. Schwingle, G. Smith

The next meeting is Monday, December 26th (a Village Holiday) at 7:00 PM in the Village Hall, 2nd floor

Trustee Christensen gave a brief progress report concerning the *Walgreens* project.

AD HOC BUILDING COMMITTEE: D. Marchionda, Jr., Chair

MOTION by Trustee Allison, seconded by Trustee Smith to authorize the final payment, in the amount of \$9,765.28, to Frey & Campbell for the Village Hall/Police Station Phase II project. Carried.

MOTION by Trustee Taylor, seconded by Trustee Koek to authorize the final payment, in the amount of \$2,979.21, to Blackmon-Farrell Electric, Inc., also for the Village Hall/Police Station Phase II project. Carried.

PUBLIC SAFETY: N. Taylor, Chair, M. Christensen & N. Koek

Last meeting was today, Tuesday, December 13th at noon in the Wagner Inn, East Elm Street

Police Department

◇ Concerning the request from the residents on Burns Terrace to lower the speed limit to 20 mph, the Police Department will borrow the Sheriff's Department radar trailer to monitor the speed cars are traveling before making a final decision.

MOTION by Trustee Taylor, seconded by Trustee Koek to approve Sgt. Michael Donovan attending one week of an educational program relating to juvenile firesetting intervention from January 30th to February 3, 2006 at the New York State Academy of Science in Montour Falls, NY. The Yates County Fire Investigation Team will pay any costs. Carried.

◇ Trustee Taylor strongly urged that a meeting take place as soon as possible with the County and Village concerning the future location of the Justice Court.

Fire Department

MOTION by Trustee Christensen, seconded by Trustee Koek to expend up to \$500 for Don Rapalee, who volunteered, to paint/repair the fire alarm box system in the spring of 2006. Carried.

◇ Trustee Taylor also urged that plans to put an elevator in the Fire Station be expedited.

PUBLIC WORKS: W. Allison, Chair, G. Smith & N. Taylor

The last meeting was held on Monday, December 5th at 1:00 PM in the Village Hall, 2nd floor

Streets:

MOTION by Trustee Allison, seconded by Trustee Christensen to hire Andrew Jensen as part-time DPW laborer to help with the leaf pick-up for 2 or 3 weeks, effective December 7th at \$6.20/hr. The Street crew is short because of Don Rapalee's absence due to breaking his arm while working. Carried.

MUNICIPAL:

The last meeting was Thursday, December 8th at 2:00 PM in the Village Hall, 111 Elm St, Room 210

MOTION by Trustee Allison, seconded by Trustee Koek to authorize the Mayor to sign *Change Order No. 1* to Blackmon-Farrell Electric, Inc. to decrease the original contract price by \$290.00 for the finished Water VFD installation. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve selling the Electric Department's 2001 F350 truck to RDR Vineyard, Inc. for \$16,000. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to promote Matt Yonts to the full-time position of *Water Treatment Plant Operator* effective December 6, 2005. Carried.

MOTION by Trustee Allison, seconded by Trustee Taylor to approve awarding the lowest qualified bid to Forest Technology Sales (FOR-TEK) for 15 45-foot wood utility poles at \$315 each and 15 40-foot wood utility poles at \$283 each, a grand total of \$8,970. Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to approve awarding the lowest qualified bid to Cooper Power Systems (Irby Supply) for 6 37 1/2 KVA pole-type transformers at \$742 each, and 4 75 KVA pole-type transformers at \$1,261 each, a grand total of \$9,496. Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize the Municipal to commence planning for a water line replacement project on Main Street from the bridge to Elm Street. Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to approve three employees of the Electric crew, Jef Bodine, Don King and Charlie Bush, to attend in 2006, the OSHA required *Lineworker Safety and Training Program* at a cost of \$1,600 each in Bath, NY. Discussion: DPW Director Balsley was asked to look into other options - \$1,600 each seems excessive.....

Record of vote:	Trustee Allison	aye	
	Trustee Christensen	aye	
	Trustee Koek	nay	
	Trustee Smith	aye	
	Trustee Taylor	aye	
	Trustee Schwingle	nay (due to absence)	Motion Carried.

◇ The recommendation from the Municipal to accept the \$500 proposal from Kiddcom Photo Graphics to design and print fifty new photo identification cards for employees was put on hold.

MOTION by Trustee Allison, seconded by Trustee Taylor to authorize the Municipal Office staff to bill the Town of Milo water and sewer customers quarterly, and to charge the Town of Milo \$8,375 annually for the service. Carried.

MOTION by Trustee Allison, seconded by Trustee Smith to authorize a payment of \$258,667 to Powercon Corp. so they can pay their suppliers, after Director Balsley secures clear title to the assembled equipment relevant to the switchgear project at S. John's substation. Carried.

OTHER:

◇ Asst. DPW Director Osgood informed the Board that sealed bids for asbestos removal at 3/5 Maiden Lane have been advertised, and bid opening will be held Wednesday, December 28, 2005 at 3:00 PM.

ANNOUNCEMENTS:

◇ A *Special Meeting* of the Village Board of Trustees will be held at 6:00 PM on Monday, December 19th for a personnel/contractual matter.

◇ A *Joint Public Hearing* with the Towns of Benton and Jerusalem, along with the Village, will be held at 7:00 PM on Monday, December 19th pursuant to the potential annexation of Butcher property into the Village.

◇ The next Village Board meeting is scheduled for Tuesday, January 10, 2006 at 7:00 PM, 111 Elm St., Room 202.

ADJOURNMENT INTO EXECUTIVE SESSION:

At 10:45 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn the regular meeting to go into Executive Session. Carried.

(The Village Clerk was excused from attending the Executive Session.)

ADJOURNMENT:

At 11:50 PM, MOTION by Trustee Christensen, seconded by Trustee Koek to adjourn the Executive Session as well as the Regular meeting. Carried.

Linda K. Banach, Village Clerk