

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, December 14, 2004 at 7:00 PM, and for the first time, in the new Village Hall, 111 Elm Street, Room 202, Penn Yan, New York.

**PRESENT:** Mayor D. Marchionda, Jr.; Trustees W. Allison, N. Taylor, N. Koek, R. Schwingle, M. Christensen and G. Smith; Director of Public Works E. Balsley; Village Attorney E. Brockman; Village Treasurer M. Socola; and Code Enforcement Officer B. Lyon; Street Superintendent R. Jensen; and Police Chief S. Hill

**ABSENT:** Superintendent L. Axtell; Assistant Director of Public Works R. Osgood; and Fire Chief K. Pallar

Public Attendees: Those that the Clerk knew: Tracy, Anthony and Nicholas Marchionda, Mr. & Mrs. Davis, R. Stewart, K. Fox, B. LeClaire, R. French, D. Banach, C. Mitchell, D. Payne, M. Willis, S. Smolos, Mrs. Armstrong, Anne Gunn, H. Wakely, O. Peacock, and R. Harrison

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

Mayor Marchionda called the meeting to order at 7:00 PM and led the Pledge Allegiance to the Flag.

Mayor Marchionda welcomed everyone to the new Village Hall, and recognized the members of the Ad Hoc Building Committee who are responsible for this wonderful building. The Mayor informed everyone that the 8'x 12' flag and 40' pole outside the Village Hall was originally donated by the V.F.W. due to Mick Willis's fine efforts, and the flags in this meeting room were donated by Steve Wood of Townsend-Wood Funeral Chapel. The Mayor, as well as the rest of the Board, are very, very appreciative, and extend a sincere thank you. Trustees Koek and Allison acknowledged that Mayor Marchionda was certainly the main drive in accomplishing this project. Thank you, Mayor Marchionda, Jr.!

**CALL FOR EXECUTIVE SESSION:**

MOTION by Trustee Koek, seconded by Trustee Allison to hold an *Executive Session* at the end of the meeting relative to litigation and real estate matters. Unanimously Carried.

**MINUTES:**

MOTION by Trustee Allison, seconded by Trustee Christensen to approve the minutes of the regular Village Board meeting of November 9, 2004 as submitted. Unanimously Carried.

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

- ◇ Ray Stewart, former Police Chief, thanked Chief Hill for personally showing him around the new Village Hall/Police Station. Ray truly appreciated it.
- ◇ Mayor Marchionda extended a huge thank you to Karen Fox, Senior Typist, who did an outstanding job organizing the move of all the people & furniture from 3 Maiden Lane to 111 Elm Street. She spent an enormous amount of time and energy accomplishing this colossal assignment given to her by the Mayor, and did a fantastic job!

**MAYOR:**

Mayor Marchionda presented a *Village of Penn Yan Citizenship Award* to Roland R. Harrison for his many contributions to the safety and welfare of the citizens of the Village of Penn Yan and New York State. Most recently Mr. Harrison campaigned aggressively for a statewide bicycle helmet law. Congratulations to Mr. Harrison.

**ATTORNEY:**

MOTION by Trustee Christensen, seconded by Trustee Koek to adopt RESOLUTION NO. 44-2004 Requesting the Town of Jerusalem to consent to the annexation by the Village of 24.184 acres of cemetery lands. The Village already owns the property. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Christensen to adopt RESOLUTION NO. 43-2004 Regarding proposed Local Law E of 2004 amending the Parks & Playground Chapter of the Code of the Village of Penn Yan permitting the operation of snowmobiles on the Outlet Trail and the Elm Street Sports Complex, subject to rules and regulations. Unanimously Carried.

Resolution No. 43-2004 is in regard to holding the Public Hearing on Tuesday, January 11, 2005, SEQR review, and referral to Yates County Planning Board. At this time, the Mayor, Trustees and Attorney Brockman conducted the examination of Parts I and II of the draft Full Environmental Assessment Form, page by page, that resulted in a few changes.

MOTION by Trustee Christensen, seconded by Trustee Koek to accept the draft full EAF, with the changes, and to authorize the Mayor to sign said document and the issuance of a Negative Declaration. Unanimously Carried.

**CORRESPONDENCE:**

- (1) NYS DOT re: Notice of Orders for parking restrictions on Liberty Street (New York State Route 14A) by eliminating parking spaces on both sides of a student parking lot used by the School District. Another parking issue was discussed today, at the Public Safety Committee meeting regarding eliminating all on street parking on Liberty Street from North Avenue to Lake Street. Nothing has been decided, however, the Committee is in favor of no parking in that area.
- (2) Yates ARC, Exec. Director David Milliman re: requesting that the Owls Nest's (building on Seneca Street owned by the Village) foundation be repaired by the Village. The ARC does not wish to own the building, however, they are willing to pay for materials if the Village crews will do the work. The Mayor referred this matter to the Public Works Committee for their review.

**AUDIT:**

MOTION by Trustee Smith, seconded by Trustee Taylor to pay the current bills, accept for a few bills relative to the new Village Hall that the Mayor decides to withhold and they will be paid at a later date:

Village:	Paid before audit: General Fund	139,291.50
	General Fund	45,722.52
	Paid before audit: Capital Fund	10,014.00
	Capital Fund	68,387.55
Municipal:	Paid before audit: Electric	129,851.40
	Paid before audit: Water	2,682.59
	Paid before audit: Sewer	11.74
	Electric	16,166.66
	Water	18,714.72
	Sewer	18,114.67
	Capital Water Fund	874.88
	Capital Sewer Fund	17,338.88

Unanimously Carried.

**FINANCE & ADMINISTRATION:** G. Smith

A meeting was held this afternoon, December 14<sup>th</sup> at 2:30 PM in the new Village Hall, 111 Elm Street.

Trustee Smith announced that there would be a Municipal Workshop held Thursday, December 16<sup>th</sup> at noon in the Village Hall, 2<sup>nd</sup> fl., 111 Elm Street.

**PERSONNEL:** N. Koek, Chair

Last meeting was held this morning, Thursday, December 13<sup>th</sup> at 7:00 AM in the new Village Hall, Room 210.

MOTION by Trustee Koek, seconded by Trustee Christensen to increase Court Clerk Sharon Nichols’ hourly wage from \$8.86 to \$10.86, retroactive to June 1, 2004. Unanimously Carried.

Thanks to Trustee Randy Schwingle, who set up a local Civil Service seminar, to be held February 10, 2005 from 10:00 AM to Noon in the new Village Hall. Local governments and schools will be invited. This has been needed for a long time, as there is a need for more information regarding the rules, regulations and procedures for hiring new employees and promoting existing employees.

**PARKS & RECREATION** – Randy L. Schwingle, Chair

Trustee Schwingle announced that the Committee meeting has been rescheduled for Wednesday, December 22<sup>nd</sup> at 4:00 PM in the Village Hall, 111 Elm Street.

**PLANNING & DEVELOPMENT:** M. Christensen

The last meeting was held on Monday, November 29<sup>th</sup>, in the Village Office at 7:00 PM.

The Committee is still reviewing definitions.

**AD HOC BUILDING COMMITTEE for VILLAGE HALL/POLICE STATION:** D. Marchionda, Chair

MOTION by Trustee Schwingle, seconded by Trustee Christensen to authorize the Mayor to sign *Change Order Number :002* for Blackman Farrell Electric, Inc. consisting of Contractors Change Directives #6, #7, #8, #9, #10, #11, #12, #13 and #14, for an additional cost of \$13,447.00. Unanimously Carried.

MOTION by Trustee Schwingle, seconded by Trustee Smith to authorize the Mayor to sign *Change Order Number: 003* for Blackman Farrell Electric, Inc. consisting of two Contractors Change Directives adding \$901.00 to the cost. Unanimously Carried.

MOTION by Trustee Koek, seconded by Trustee Smith to begin the asbestos assessment and/or abatement at the old Village Office, 3 Maiden Lane, which will eventually be demolished. Unanimously Carried.

**PUBLIC SAFETY:** N. Taylor, Chair

The last meeting was held today, Tuesday, December 14<sup>th</sup> at noon in the Wagner Restaurant.

Chair Taylor reported that Gary Sparrow, from the NYS DOT in Hornell, and Jim Merrit, from the local DOT office attended the meeting to discuss the possibility of eliminating on street parking on Liberty Street (NYS Route 14A) from North Avenue to Lake Street. Although, the Committee is in favor of this option, nothing has been decided, and won’t be for a while. The State has been very cooperative and considerate of the Villages’ requests.

**Police Department:**

MOTION by Trustee Taylor, seconded by Trustee Schwingle to authorize Street Superintendent Jensen to re-install the signs that prohibit snowmobiles on the Outlet Trail. Unanimously Carried.

**Fire Department:**

Trustee Taylor informed the Board that the PY Fire Department would receive grant money from the Federal Emergency Management Agency in the amount of \$16,000.

MOTION by Trustee Allison, seconded by Trustee Koek to allow the Penn Yan Fire Department to use the old Village Offices at 3-5 Maiden Lane for training purposes before it’s demolished. Unanimously Carried.

**PUBLIC WORKS:** W. Allison, Chair

The next meeting is scheduled for Monday, December 20<sup>th</sup> at 1:00 PM in the Village Hall, 111 Elm Street, 2<sup>nd</sup> fl.

**Streets:**

Trustee Allison informed the Board that leaf pick-up is completed. He also announced that the "Lake Keuka 1 mile" sign as been replaced above the Main and Elm Street intersection. A new one had to be made, as the original was unable to be repaired. He extended a thank you to both the Street crew, and to Kathy Gernold who donated her supplies, time and expertise for this project. A job well done.

Street Superintendent Jensen reminded the drivers that, although the "stop for pedestrian" signs are down for the winter, the law still exists. Also, he wanted to make it clear that the Village has a very good relationship with the NYS DOT, referring to a newspaper article wherein Doug Paddock made a statement to the contrary.

**MUNICIPAL:**

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

MOTION by Trustee Allison, seconded by Trustee Schwingle to accept the lowest qualified bid from Cooper Power Systems to purchase six (6) stock replacement pole-type distribution transformers for a total of \$4,254.00.  
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Koek to accept the lowest qualified bid from Pauwels to purchase five (5) stock replacement padmounted distribution transformers for a total of \$24,337.  
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the advertisement for bids to purchase variable frequency drivers needed for the Water Treatment Plant.  
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize Director of Public Works Balsley to attend a Special MEUA Meeting on Thursday, January 13, 2005 in Liverpool, NY.  
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Municipal to adopt a service charge of \$276 for installing a 6" water meter within the Village limits.  
Unanimously Carried.

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Municipal to accept the lowest qualified bid when reviewed by Lu Engineers following the bid opening on Friday, December 17<sup>th</sup> for the construction of the Cherry Street Pump Station upgrade.  
Unanimously Carried.

Director of Public Works Balsley reported on the water main break near Indian Pines, Route 54A, which resulted in the loss of approximately one million gallons of water. There were a few houses damaged, and they are now being assessed for repairs. On behalf of the Village, Trustee Allison thanked all the crews who worked long and hard hours to repair the water main. Another job well done.

**ADJOURNMENT TO EXECUTIVE SESSION:**

At 9:06 PM, MOTION by Trustee Koek, seconded by Trustee Christensen to adjourn into *Executive Session* concerning litigation and legal matters.  
Unanimously Carried.

(10 minute break)

**ADJOURNMENT:**

At 10:50 PM, MOTION by Trustee Koek, seconded by Trustee Allison to adjourn the *Executive Session* and return to the regular meeting.  
Unanimously Carried.

At 10:51 PM, MOTION by Trustee Taylor, seconded by Trustee Smith to adjourn the regular Village Board meeting.  
Unanimously Carried.

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Linda K. Banach, Village Clerk

► The next Regular Village Board meeting will be held on Tuesday, January 11, 2005 at 7:00 PM in the Village Hall, 111 Elm Street, Room 202.

