

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 18th, 2008 at 7:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor D. Marchionda Jr.; Trustees W. Allison; M. Christensen; R. Church; N. Taylor; M. D’Abbracci; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; CEO B. Lyon; Director of Public Works E. Balsley; Police Chief Mitchell; Street Superintendent R. Jensen; Parks Director D. Doyle; Assistant Director of Public Works R. Osgood

ABSENT: Trustee B. Hoban; Cemetery Superintendent L. Axtell; Fire Chief B. Winslow

News Media present: Gwen Chamberlain, Chronicle Express; Amanda Folts, Finger Lakes Times; Peg Thompson, Dundee Observer and Lucas Day WFLR

PUBLIC: Lynn Overgaard, Director for PY Library, Kristen Flynn-Comstock, Rich Stewart , Barb Stewart, Ms. Armstrong, Bob Hawley.

Mayor Marchionda called the meeting to order at 7:00 PM.

PUBLIC HEARING for sidewalk Improvement Program. Mayor Marchionda asked for any public comments - left the public hearing open for a while.

Atty. Brockman mentioned that this is still a good deal for the residents. Stated the resident’s cost of \$2.50 per square foot has not gone up since 1999.

Mayor Marchionda asked again for any comments from the public for the Sidewalk Improvement Program. No comments and Mayor closed the Public Hearing at 7:23 pm.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Christensen, seconded by Trustee Church to have an Executive Session after the Village Board Meeting to discuss a litigation issue.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

MINUTES:

MOTION by Trustee Taylor, seconded by Trustee D’Abbracci to approve the Village Board Minutes from February 19, 2008.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

Lynn Overgaard, Director for PY Library showed a short power point presentation for the proposal for a new library. Explained they will be renovating the existing Carnegie Building will not tear this section down. Lynn explained some of the needed space for more computers, DVD, CD’s, audio books and books. We have services for wireless computers -very close to each other. She explained at times the need to use outside facilities to hold meetings or programs-no room. Lynn explained - new building would be on one floor – if more than one, more staff needed. Would have underground parking with elevator to main floor.

Lynn explained cost would be 7.8 million –the taxpayers in the school district would pay \$.48 per thousand. Would take 21 years to pay for the addition/renovation.

Library is having a public forum on April 1, 2008 at the Library for the public to attend. Voting for the Bond issue on this will take place on April 22, 2008.

Other questions arose in regards to drainage/runoff and sprinkler system. Lynn will address this to the architects.

Clerk/Treasurer Wilber discussed the matter for the FOIL appeal from Bonnie Barkley. After a brief discussion between Mayor Marchionda, S. Wilber and Mr. Hawley it was decided what letters Ms. Barkley is foiling. Mr. Hawley helped to explain the exact letters that Ms. Barkley is requesting. It's a FOIL appeal to the Village from Bob Hawley that he was requesting. It was from 2005.

(1) Appeal letter from Mr. Hawley requesting the Police officer changing positions. (2) Letter of appeal that Mr. Hawley gave to the village. S. Wilber will search again for these letters. They were both in 2005. The Mayor asked Bob Hawley if he had a copy of this letter in his paper work. S. Wilber has stated she has looked in all the files including the FOIL files. Could not locate anything S. Wilber mentioned that she has already sent Ms. Barkley a copy of the letter that Mr. Morehouse wrote to change his position in the police force.

MOTION by Trustee Allison, seconded by Trustee Christensen to decline the appeal for clarification of the letters.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Ms. Armstrong asked if the board/paper at the Maxwell Building could be change with the correct times of the Village meetings.

MOTION by Trustee Church, seconded by Trustee Christensen to approve Pastor Wayne Butler's request to hold an Easter Morning, Community Worship Service at Indian Pines Park on March 23, 2008 at 7:30 am.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Discussion: Dan Doyle mentioned he has had a crew up there picking up sticks and other items to clean the Park up. Will also look into having the pavilion cleaned up a bit.

MOTION by Trustee D'Abbracci, seconded by Trustee Taylor to approve the request for the Farm Market to be held on Main Street from May 2008 – October 2008. The market will be opened from 6:00am – 12:30pm.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Discussion: it was suggested that they contact the Chief of Police a week or two before the first day.

MOTION by Trustee Church, seconded by Trustee D'Abbracci to approve the Penn Yan Firefighters Parade to be held on August 2, 2008 at 6:00pm.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee D'Abbracci, seconded by Trustee Church to approve the Penn Yan Area CROP Hunger Walk for Sunday May 4, 2008 at 1:00pm.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Discussion: it was suggested that they contact the Chief of Police a week or two before the event.

MAYOR:

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the Organizational Meeting to be held on Tuesday, April 15th, 2008 at 6:30 PM at the Village Hall.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Church, seconded by Trustee D'Abbracci to hold a Public Hearing for the Village Budget for Tuesday April 15, 2008 at 6:45 PM at the Village Hall.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Discussion: Trustee Church asked if a Budget workshop would be set up before the April 15th meeting.

ATTORNEY:

Atty. Brockman mentioned that the Humane Society has offered to help in the on going issue of the feline problem in the Village. Will plan a meeting in the next month.

Trustee D'Abbracci had spoken with Don Cass, Director for The Humane Society, Mr. Cass stated the Human Society is trying to get a grant to help the Village with spay and neutering the cats.

Trustee D'Abbracci will get in touch with Ms. Sands and Mr. Paulchel to inform them of the progress that is going with the feline issue.

MOTION by Trustee Christensen, seconded by Trustee Taylor to approve Resolution NO 16-2008 the resident's rates for Sidewalks Improvement for the year 2008. The rate changed from \$2.50 to \$4.25 per square foot.

WHEREAS, the Village Treasurer and the Director of Department of Public Works of the Village of Penn Yan has recommended to the Village Board of Trustees that the rate for replacement of sidewalks by the Village of Penn Yan for 2008 be increased, after public hearing; and

WHEREAS, the Board of Trustees has held a public hearing on such issue;

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan declares itself lead agency with respect to this action for SEQR purposes
2. There being no perceived environmental impacts by the proposed action, this action is declared to be Type II, pursuant to SEQR regulations.
- 3 The rate for replacement of sidewalks by the Village of Penn Yan, pursuant to § 174-6 of the Streets and Sidewalks Chapter of the Code of the Village of Penn Yan, shall be \$4.25 per square foot commencing April 1, 2008.

AUDIT:

MOTION by Trustee Church, seconded by Trustee Taylor to pay the current Village and Municipal bills as submitted.

VILLAGE:

Paid before Audit - General Fund	\$	47.50
General Fund		49,779.49
Capital Fund		11,458.21
TOTAL VILLAGE AUDIT:	\$	61,285.20

MUNICIPAL:

Paid before Audit	\$	301,236.35
Capital Paid before Audit		00.00
Electric Fund		19,533.68
Sewer Fund		92,021.98
Water Fund		35,969.80
Capital Projects		274.65

TOTAL MUB AUDIT: \$ 449,036.46

Mayor Marchionda Aye Trustee D'Abbracci Aye
Trustee Taylor Aye Trustee Christensen Aye
Trustee Allison Aye Trustee Hoban Absent
Trustee Church Aye

Carried

FINANCE & ADMINISTRATION:

Last meeting was held on March 14, 2008 at 10:00 AM

Trustee Church stated all budget information is in and that Clerk/Treasurer S. Wilber is working on it.

Trustee Church mentioned the Fire Chief car is out on e-bay for 7 days.

PERSONNEL:

Trustee Christensen mentioned we are starting to take a look at the list of eligible applicants for the Water Treatment Operator position that we have open. Also have had some inquires/interest in a possible lateral transfers in the Police force.

Trustee Christensen mention he had gone to the Chambers after hours at Moravec's new building. Had a very nice tour of the building. Rich Moravec pointed out that he was very grateful of the work that Bruce Lyon had done and wanted to express his gratitude.

PARKS & RECREATION:

Last meeting was held on February 25th, 2008 at 5:00pm

Trustee D'Abbracci spoke about the possibility of the junior football little league field being more usable. Looking into the backfield to be more usable/desirable for more activities/sports. Trustee D'Abbracci knows peewee football will still be using it this year. The Sunday league is more of a traveling league this year – if this does not go over good –may go back to using the field on Sundays in the fall. All understand that the Football league has put a lot of money in the field and they would come first. Trustee D'Abbracci stated the fence would be staying.

Started looking at the summer program at the different parks.

MOTION by Trustee D'Abbracci, seconded by Trustee Church to approve Dan Doyle's yearly renewal for \$116.00 to the New York State Recreation and Parks Service. The money is already allocated in his budget.

Mayor Marchionda Aye Trustee D'Abbracci Aye
Trustee Taylor Aye Trustee Christensen Aye
Trustee Allison Aye Trustee Hoban Absent
Trustee Church Aye

Carried

PLANNING BOARD:

MOTION by Trustee Allison, seconded by Trustee Church to approve an ad, be place in the local paper for the Village Planning and Zoning Boards.

Mayor Marchionda Aye Trustee D'Abbracci Aye
Trustee Taylor Aye Trustee Christensen Aye
Trustee Allison Aye Trustee Hoban Absent
Trustee Church Aye

Carried

MOTION by Trustee Christensen, seconded by Trustee D'Abbracci to waive the YCRR application fee of \$100.00 for the Site Plan application. This is a non-profit organization.

Mayor Marchionda Aye Trustee D'Abbracci Aye
Trustee Taylor Aye Trustee Christensen Aye
Trustee Allison Aye Trustee Hoban Absent
Trustee Church Aye

Carried

PLANNING & DEVELOPMENT:

Mayor Marchionda has spoken with Trustee Hoban – he is feeling better and hopes to back with us soon.

No Report

PUBLIC SAFETY:

Last meeting was March 24, 2008 at 4:00 pm in Room 210 at the Village Hall.

Trustee Taylor stated that S. Wilber and Atty. Brockman are still working on the Health Plan/Drug rider.

Trustee Taylor stated the meetings are going good – friendly and communication is going good.

Trustee Taylor asked about the investigators position – board to discuss to hire or not. The feasibility study for PBA will get something done in May. Will discuss this more in April.

Next meeting is set for April 9th.

POLICE DEPARTMENT:

MOTION by Trustee Taylor, seconded by Trustee Church to approve an officer to go to Corning for schooling on April 16 & 17th. Legal issues for New York Law Enforcement Officers. No fee required.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		
Carried			

MOTION by Trustee Taylor, seconded by Trustee Church to approve April 2nd “Operation Safe Stop”.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		
Carried			

Discussion: Chief Mitchell mentioned that this is state wide and for one day. Help to keep the public aware of the consequences associated with passing stopped school buses displaying red lights. Grant fund money will be used to supplement extra officers on duty.

MOTION by Trustee Taylor, seconded by Trustee D’Abbracci to approve Chief Mitchell to sign memorandum of Understanding between Yates County Drug Free Community Coalition and Village of Penn Yan.

Mayor Marchionda	Aye	Trustee D’Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		
Carried			

Discussion- Chief Mitchell stated this is to facilitate a grant application drawn up by the county. One of the requirements is a representative to attend four meetings a year and participate on an assigned committee. Chief Mitchell stated they have not indicated if any funds will be given to us but - if we have a joint application we have a better chance to get money. Help with Drug Free programs.

Trustee Taylor mentioned the Village PD had to replace the lock on the door at the back of the building – at the PD’s entrance. Chief Mitchell mentioned that he has a dead bolt lock that is opened by your fingerprints. More of a cost around \$375.00 – Trustee Church has a friend that works with these- will have him contact Chief Mitchell.

Trustee Taylor has receive calls inquiring why Chief Mitchell is not in uniform. Chief Mitchell explained that he is still wrapping up a few investigating cases about 2-3 months to wrap these up. He has no problem wearing it and always was proud to wear it. Felt was saving Village money but if Village wants to buy more uniforms he will wear it.

FIRE DEPARTMENT:

MOTION by Trustee Taylor, seconded by Trustee Church to approve Brad Ovens be elected as a member of the Sheldon Hose Co.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

CODE ENFORCEMENT:

Trustee Taylor stated Bruce has done an excellent job with the Plaza people/project.

Atty. Brockman mentioned that we have received a letter in regards to the demolition of the houses on Lake Street. B. Lyon stated they are working on trying to get the asbestos removed. The demolition is with a local contractor.

PUBLIC WORKS:

Trustee Allison and Street Super. R. Jensen spoke about the Bids for the Loader. 2 Bids came in (1) from S.C. Hanson \$114,950.58 and (2) Milton Cat. at \$107,420.00.

MOTION by Trustee Allison, seconded by Trustee Christensen to accept the Bid for the 29,000 Rubber Tired Loader from Southworth-Milton Inc. at \$107,420.00.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

STREETS:

Randy Jensen spoke about spring clean up. Will run from first part of April to end of May. No trees bigger than 6" in diameter. Shawna W. mentioned that a memo would go out in the bills to Village residents to remind them the times and what is picked up for Spring & Fall.

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Church to approve the correction from the February 14th meeting. They had declared 43 motors at the Water Treatment Plant as surplus equipment to be sold. The request should have been to declare 11 pump motors at the Water Treatment as surplus equipment.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Christensen to approve David Andersen to conduct a survey for \$2,100 – this will help to determine the proposed water line and sanitary sewer extensions to the Community Center.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to approve to proceed with developing cost estimates to extend water and sewer lines from the manhole at the Homestead up to the property line of the Community Center, pending a review of the details of the Village/YCRR grant.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Trustee Allison asked for a Motion to approve Resolution No 15-2008 – Limiting Penn Yan Municipal Electric Service to the Territorial Limits of the Village of Penn Yan. That from now on, new request for Village electric will only be approved if the property is located within the Village limits or is annexed into the Village.

Mayor Marchionda	Nay	Trustee D'Abbracci	Nay
Trustee Taylor	Nay	Trustee Christensen	Nay
Trustee Allison	Nay	Trustee Hoban	Absent
Trustee Church	Nay		

All opposed

Discussion: Ed Balsley mentioned New York State Public Service Commission would not permit the Village to charge a different rate for electric services outside the Village.

MOTION by Trustee Allison, seconded by Trustee Church to approve a meeting with representatives of CASP and Lu Engineers to determine deadlines and remind CASP that the manhole damaged by varying pH levels needs to be replaced.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve to move forward with the construction of the Brown Street water main project for a cost not to exceed \$369,000.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to declare the following items surplus equipment.

- Lot Ultraviolet bulbs for old UV unit
- Lot Ballasts & Controls (Junk) for old UV unit
- Lot incubator (disused since ca 1996, needs repairs)
- York Rake (Cat.1)
- Old electric motors from Pump Station (for Scrap)

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve the attendance up to seven people to attend the Finger Lakes Water Works Conference Spring meeting on Thursday, April 3rd in Newark.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve Assistant Director Dick Osgood to take time off, without using accrued time, to attend a course in Syracuse on May 7th.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to renew our membership in the Keuka Lake Association at a cost of \$30.00.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

MOTION by Trustee Allison, seconded by Trustee Church to approve the purchase of (10) photocells to be purchased at a cost of \$17.64 each so we can see how the plan works. Changing the light fixtures on Main and Elm Streets to save electricity and help conserve our hydropower allotment.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		Carried

Discussion: R. Jensen asked why not try turning off every other streetlight. Ed Balsley spoke about safety issues but is looking into it. Want to try a few and see how things go.

MOTION by Trustee Allison, seconded Trustee Church to approve the attendance of up to five people at the MEUA Semi-Annual meeting on April 16 & 17th in East Syracuse at a cost of \$100.00 per member.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		Carried

Mayor asked if there were any other issues.

Dick Osgood talked about the Street repair on Elm St. and thought we might be able to try a new product out on the Street. He received a call today – Elm Street is not a good candidate for this new product. Has various thickness of asphalt on it and other issues. Dick will call them back and see if South Ave might be good. He will keep us informed.

Dick Osgood mentioned will post pone the Bids for the Firehouse until April 2nd. Had a small response.

Ed Balsley mentioned S&S Hospital is revamping their electric. Will go under ground and new lights this summer in the parking lots.

Trustee Allison spoke about the request to Senator Winner for money for projects in the Village. Mayor Marchionda spoke with Senator Winner just the other day and he does have money for us – not sure how much and when we will receive it.

Randy Jensen also talked about the Geese problem at the parks. Need to do something. Mayor asked Randy to contact his counter part in Geneva – what did they do about the Crow problem in Geneva.

ADJOURNMENT:

At 8:43PM, MOTION by Trustee Allison, seconded by Trustee Christensen to adjourn the Regular Village Meeting.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		Carried

Call to order the Executive Session at 8:45PM.

ADJOURNMENT OF EXECUTIVE SESSION:

At 9:00 PM, MOTION by Trustee Church, seconded by Trustee Taylor to leave Executive Session and return to regular Village Board Meeting.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		Carried

ADJOURNMENT:

At 9:03 PM, MOTION by Trustee Church, seconded by Trustee D'Abbracci to adjourn the regular Village Board Meeting.

Mayor Marchionda	Aye	Trustee D'Abbracci	Aye
Trustee Taylor	Aye	Trustee Christensen	Aye
Trustee Allison	Aye	Trustee Hoban	Absent
Trustee Church	Aye		

Carried

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS:

The next Regular Board Meeting is schedule for Tuesday April 15, 2008 at 7:00 PM.