

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, June 16, 2009 at 5:55 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor D. Marchionda Jr.; Trustees W. Allison; R. Church; M. D'Abbracci; R. Stewart; N. Taylor; Attorney Ed Brockman; Clerk/Treasurer S. Wilber; Police Chief Mitchell; Parks Director D. Doyle; Assistant Director of Public Works R. Osgood; Fire Chief R. Retorick; Municipal Utilities Board Chair R. French

ABSENT : Trustee B. Hoban ; CEO B. Lyon; Director of Public Works E. Balsley; Working Supervisor D. Rapalee; Cemetery Superintendent L. Axtell;

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

PUBLIC:

Dave Labbadia and Frances Dumas

Mayor Marchionda called the meeting to order at 6:00 PM.

PUBLIC HEARING for Signage

Atty. Brockman stated the papers have been forwarded to the Yates County Planning Board for their review and will be discussed again at the meeting next month.

MOTION by Trustee Stewart, seconded by Trustee D'Abbracci to close the Public Hearing at 6:06 PM.

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Stewart, seconded by Trustee D'Abbracci to have an Executive Session regarding negotiations with CSEA and work history of a group of employees.

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

Discussion: Trustee Stewart stated he would like the Executive Session early – right after any guests speak to the Board.

MINUTES:

MOTION by Trustee Church, seconded by Trustee Allison to approve the Village Board Minutes from May 19, 2009 and the Special Village Board Meeting from May 28, 2009.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Dave Labbadia stated he had an incident on Cornwell Street with his 5th wheel Camper back in October 2008. In October, his wife called the Village Office to report the incident, she also notified their Insurance Company and made out a police report. Mr. Labbadia stated he drove the camper down Cornwell Street, which is not the normal route he takes it was dark and not aware of the low hanging branch. The Branch scraped the side of the camper which did \$6,000 worth of damages. The tree has been taken down since the incident. Mr. Labbadia is asking for the reimbursement of his insurance deductible of \$1,000. Mayor Marchionda stated he would look into the incident. Mayor asked that Clerk/Treasurer S. Wilber get copies of the paper work for him to review and he will get back to Mr. Labbadia.

MOTION by Trustee Allison, seconded by Trustee Church to approve the annual Firefighters Parade to be held August 22, 2009 at 6:00pm.

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

Carried

OLD ITEMS

MOTION by Trustee Allison, seconded by Trustee Church to approve Frances Dumas to represent the Village on the Yates County Planning Board for a 3 – year term.

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

Carried

MOTION by Trustee Church, seconded by Trustee Taylor to appoint Cynthia Wallace to the Village's Planning Board as an Alternate for a 1 year term.

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

Carried

MOTION by Trustee D'Abbracci, seconded by Trustee Church to appoint Eric Ferguson to the Historic Preservation District Commission for a 3-year term.

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

Carried

Trustee D'Abbracci reported on the Boat Museum mentioning he has not heard from the group in some time but he will try to get in contact with Mr. Oben and report back to the Board.

Trustee Church stated that he had spoken with Stacy Wyant at Stork's Insurance with regards to the Workplace Violence Prevention Act. Mr. Wyant feels the Insurance Company has some information (video's and literature) that would be helpful to us he will forward the information to Atty. Brockman for his review. We might be able to use this for training on the Workplace Violence program. S. Wilber explained that she has contacted Ms. King to inform her that the issue has been tabled.

Atty. Brockman talked about Local Law E of 2009 for Amending the Water Chapter Code of the Village. This would modify and combine Chapters 198-12 and 198-13. It would become effective the date of adoption. This section of the Code states the Village would install meters at no cost to the property owner when service lines are no larger than 3/4". If they are greater than 3/4" line the property owner is responsible. If any tampering or vandalism of water meters exists, the owner is responsible for cost to remove, install and test the new meter. Chapter 198-13 was abolished and will remain for future use.

Atty. Brockman explained Local Law D of 2009 for Amending the Preservation of Historic Areas of the Code of the Village. Among the significant changes to this code; The Historic Board will be changed from a seven member to a five member Board, The Board will no longer be able to prevent a homeowner from choosing an exterior color to paint their home without an articulated rationale on record as to why the color is not suitable for the Penn Yan Historic District, The Board members are no longer limited as to their specific background they only need be a legal resident of the Village Of Penn Yan, the owner of property

within the Penn Yan Historic District or own a business in the Historic District. He stated the areas in bold are the changes and the portion in the italic will be the deleted part. Atty. Brockman asked the Board to review both Local Laws in order to act on them at next month's Board meeting.

MAYOR:

No Report

ATTORNEY:

MOTION by Trustee Taylor, seconded by Trustee D'Abbracci to approve the dedication of Utilities for Carpenter and Eagle Lane at Meadowside.

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

Carried

ADJOURNMENT:

At 6:19 PM, MOTION by Trustee Stewart, seconded by Trustee Allison to move in to Executive Session.

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

Carried

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:00 PM, MOTION by Trustee Church, seconded by Trustee Taylor to leave Executive Session and return to the regular Village Meeting.

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

Carried

MOTION by Trustee Church, seconded by Trustee D'Abbracci to pay current Village and Municipal bills as submitted.

AUDIT:

VILLAGE:

Paid before Audit - General Fund	\$	10,625.00
Capital Paid before Audit		-0-
General Fund		235,507.68
Capital Fund		81,384.00
TOTAL VILLAGE AUDIT:	\$	327,516.68

MUNICIPAL:

Paid before Audit	\$	13,226.59
Capital Paid before Audit		-0-
Electric Fund		147,763.14
Water Fund		56,024.75
Sewer Fund		48,170.60
Capital Projects		-0-
TOTAL MUB AUDIT:	\$	265,185.08

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

Carried

Discussion: Trustee Stewart questioned the \$10,000 payment to the firehouse paid prior to the audit. S. Wilber explained this is paid quarterly on the first of the given month. Next payment is due Sept. 1st. Mayor Marchionda and Trustee Allison explained that we have paid it this way for many years, even before they were on the board. Mayor Marchionda mentioned that we have had auditors review this yearly and it has not been a concern with them. In most recent years we had a State Audit done and it was not a concern. Mayor feels confident with the auditors. The fire department is part of the Village. Mayor Marchionda asked Trustee Church or Clerk/Treasurer S. Wilber to review this with the State Comptroller office and have their opinion on the matter.

FINANCE & ADMINISTRATION:

No report

PERSONNEL:

Trustee Stewart spoke with the Yates County Personnel Office today and noted the test results for the Assistant Director of Public Works will be certified and available within the next few weeks. Trustee Stewart mentioned he will put the proposed changes that the Personnel Committee has prepared for the Handbook in each Board Member’s mailbox; he would like the Board to review them. Trustee Stewart stated the Committee and the CSEA are very close to finalizing the performance evaluation forms; he would like to have it ready for Board approval at the next Village Board meeting.

MOTION by Trustee Stewart to order the Police Chief Civil Service exam as a promotional or open competitive exam.

Discussion: S. Wilber questioned is it one test or two, do you want the test ordered as promotional only or promotional and open competitive test? Trustee Stewart explained he wants an open competitive exam.

Mayor Marchionda asked for a second, with no response Motion failed for lack of second. Trustee Allison asked for the backup plan.

MOTION by Trustee Stewart, seconded by Trustee Church to order the Police Chief Civil Service exam as a promotional exam only.

Roll call Vote

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

MOTION by Trustee Stewart, seconded by Trustee D’Abbracci to allow non-elected, part-time employees of the Village to enroll with the Village Health Insurance Plan as long as the employee pays 100% of the cost.

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

PARKS & RECREATION:

Trustee D’Abbracci stated the Dept. of Health will be here this Friday for the inspection at the Beaches. The Beaches will officially open on June 20th and remain open thru Labor Day. Hours of operation will be 10:00am – 8:00pm thru the middle of August, 10:00am – 6:00pm thereafter until the end of season. The playground programs at Red Jacket and Indian Pines will run for six weeks, July 6th – August 14th. Pro action will provide a free lunch at each park for kids in the playground program. Trustee D’Abbracci also mentioned that the new pavilion roof at the PY Ball Park is finished. It looks good. Wanted to thank Dale Lane, ReMax; Ron Stanley, Carey’s lumber yard; Jeff Gifford, Birkett Mills and the PY baseball Boosters for all they have done to get this project completed. Trustee D’Abbracci would like Dan Doyle to write a thank you letter to the people that were involved in this project for the Mayor to sign. Trustee Stewart mentioned that the Park looks good, the new benches are nice and the Crew is doing a great job.

Dan Doyle stated he had received a call that Penn Yan will host two baseball tournaments; the District Tournament for Jr. & Sr. league 14 & 15 yr. olds and 16 & 17 yr. olds the week of July 15th – 19th and the State Tournament for 14 & 15 yr. olds the week of July 25th – 30th.

PLANNING BOARD:

Trustee Stewart had volunteered to look into where we stand on grants that we have submitted to date. He spoke with Trustee Hoban and they are in the process of developing a procedure for grants. Trustee Stewart found that a lot of people have been working within the past two years to get the Village numerous grants including Dan Doyle, Stuart Brown and Associates, the Fire Department and Justice Hibbard. He and Hoban would like to centralize the information for easy excess. Trustee Stewart mentioned he found the LDC (Local Development Corporation) had \$200,000 in funds so he called HUD to determine what we need to do to get this money out of the account and be able to use it. He stated that HUD told him minimal paperwork could be filled out and the Village could use this money to other areas including infrastructure. Mayor Marchionda questioned Stewart as to why he did not speak with him about this because he is the Chair of LDC and Trustee Allison and Mike Linehan are both on the Board. This money has nothing to do with the grants. He (the Mayor) or anyone else on the Board could have explained the complete program to him. This is for the Board of Directors of that Corporation to make a decision. The Mayor is aware of 2-3 requests for the use of the funds under the existing guidelines. He mentioned that Robin and Shawna have been working on organizing the paperwork and getting a meeting set up.

PLANNING & DEVELOPMENT:

No Report

PUBLIC SAFETY:

POLICE DEPARTMENT:

Mayor Marchionda presented a plaque from the Village and Board of trustees to Chief Mitchell for his 31 years of dedicated service to the Village. The Board members reminisced about the Chief's 31 years of service on the force with the Village. Some remembered when he first started on the force and various other situations that had occurred over the years. Chief Mitchell also recalled when he was first hired and different calls that he responded to over his career. All wished him the best in his retirement.

Trustee Taylor stated Keith Woodard Jr. graduated from basic police academy on June 15th; he will be finishing up his field training in the near future. She explained the new Chevrolet Impala has been delivered and expected to be in service later in July after all the accessories have arrived and are installed.

MOTION by Trustee Taylor, seconded by Church to declare car 2M17, 2005 Chevrolet Impala surplus to be sold on e-bay once the new car is put in service.

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

Carried

Trustee Taylor reminded everyone that Friday June 19th will be the Chambers Annual Cruisin night

FIRE DEPARTMENT:

Chief Retorick stated that he will have the report on the fire department from the past six months for the Board and will present it at the next Village Board meeting.

CODE ENFORCEMENT:

No Report

PUBLIC WORKS:

Dick Osgood stated that this coming Monday afternoon he will be having a meeting with store owners connected to the parking lot behind Lown's. The plan is to remove the island and change the light poles to a new location along the back of the lot. The parking lot is in desperate need of paving and rebuilding. Trustee Allison mentioned the work we did on the Manley project did what it was supposed to do with this last bad rainstorm. We did not have any problems.

STREETS:

No Report

CEMETERY:

No Report

BUILDINGS:

No Report

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Church for Recreation Director Dan Doyle prepare a grant application for Automatic External Defibrillators (AED's); and if the units are purchased, all personnel (Village, Municipal and Police) will be trained on how to correctly use the devices.

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

Carried

Discussion: Trustee Stewart questioned how many were going to be purchased, Clerk/Treasurer S. Wilber mentioned 10.

COMMENTS:

Trustee Stewart is asking to get information as soon as possible with any FOIL Appeals in order to have the time to research the request. After the appeal we have 10 days before an hearing – would like as much time as possible to research it.

Trustee Stewart is asking for the minutes from MUB, Planning, Recreation, ZBA and Historical to be placed out on the Village website. Mayor Marchionda stated we would have the Municipal Board and other Boards discuss this and let us know, but did not think this would be a problem. We need to check to see if there is enough space on the website and look in to any additional costs. The Mayor asked the Clerk's office to look into this.

Trustee Allison mentioned the stimulus money for Brown Street. He has been trying to find out about the money and no one knows what is going on. It appears to be a delay from the Federal Government. Mayor Marchionda questioned going back out to Bond for this and the Board agreed to wait a bit more to see what happens. Shawna will contact Rob Brooks to see if he has any information. Trustee Church e-mailed Senator Schumer's office and received a response from an individual that was leaving for another position but he would see if someone could back to us with what is going on and so far Trustee Church has not heard anything from anyone. This project is beyond shovel ready and we are under pressure from the State to get in down prior to them repaving the road.

ADJOURNMENT:

At 8:06 PM MOTION by Trustee Allison, seconded by Trustee Taylor to adjourn the regular meeting

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: