

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening August 14, 2007 at 7:00PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT:** Deputy Mayor W. Allison, Trustees R. Church, M. D'Abbracci, N. Taylor, Attorney Brockman, CEO B. Lyon, Director of Public Works E. Balsley, Police Chief G. Mitchell

**ABSENT:** Mayor Doug Marchionda Jr., Trustees M. Christensen, B. Hoban, Clerk/Treasurer S. (Brennan) Wilber, Street Superintendent R. Jensen, Waster Water Treatment Plant Chief Operator Ben Sward, Fire Chief B. Winslow, Parks Director D. Doyle, Cemetery Superintendent L. Axtell, Assistant Director of Public Works R. Osgood

News Media present; Peg Thompson, Dundee Observer, Gwen Chamberlain, Chronicle Express

**Public:** Ms. Armstrong, Betty Sands and Matt Paulchel

Deputy Mayor W. Allison called the meeting to order at 7:02PM.

**MINUTES:**

MOTION by Trustee Taylor, seconded by Church to approve the Village Board Minutes from July 10, 2007 Carried

**CALL FOR EXECUTIVE SESSION:**

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

**GUESTS, PUBLIC REQUESTS & COMMENTS:**

Betty Sands & Matt Paulchel inquired if there is a Code or Ordinance that will deal with the cat issue on Benham Street. There are 15-20 cats running loose near their homes, having litter after litter, are not spayed or neutered. Seen about 10-12 kittens. Digging up flowerbeds, getting into the mulch. The cats have gotten in fights, afraid of health issues. What can be done to control this? Trying to look out for us and also for the Cats. Do not want the same issues as we have had in the past.

Bruce Lyon does not know of any code or ordinance for Cats, only Dogs. Bruce recalls that Chief Hill tried to get an ordinance through once, it didn't work or didn't go through. Bruce looked into this before and Cats are a free spirit. Attorney Brockman will look into the matter.

Deputy Mayor Allison did ask if there were any other Public comments. There were none.

**ATTORNEY:**

Atty. Brockman spoke about the Agreement between the Village and the Yates County Agricultural Society (Fairgrounds). He mentioned this was brought up last year - nothing was done.

Atty. Brockman prepared a purposed agreement just in case the Agricultural Society wants to pursue annexation. Deputy Mayor Allison would like to move forward. Deputy Mayor Allison stated it's up to the Society if they want to proceed with it.

Atty. Brockman stated we had a verbal agreement with them a year ago. They were to decide what to do by a certain date and that came and passed. It 's not being raised right now but he wanted to be prepared if the Society decided to go ahead. He understands they need a sewer line one way or another.

Deputy Mayor Allison mentioned that the Fairgrounds have a grant up to \$15,000 that has to be used by Oct. He also mentioned that another advantage is the Village is growing - with Horizon Park and Meadow Side. They are tax exempt, but leaves the other side for growth.

Atty. Brockman mentioned that the Town of Milo and the Village have to agree with the annexation at a Public Hearing. If the Fairgrounds sign the agreement, they are committed to annexation.

It was decided by all Trustees to wait until September Board meeting, to take any action.

**Torrey Landfill-** Atty. Brockman received a fax in regard to the settlement of the Torrey Landfill. He spoke briefly about the background- NYS shut this down in the 80's. This was operated by Yates County - Yates County did reimburse the State for a fair amount of the cost of the clean up.

Atty. Brockman stated about 2 years ago they held a meeting with different size companies present- NYSG&E to smaller companies, schools anyone that used it. They are looking for a settlement with the State.

It was decided that it would be discussed at another meeting.

MOTION by Trustee Church, seconded by Trustee Taylor to approve up to (3) three people to attend the NYCOM conference Sept. 17-21 - in Saratoga Springs, NY at a cost of \$225.00 per person plus Hotel Cost at \$255.00 Carried

**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	\$ 1980.51
	General Fund	197,951.69
	Capital Fund	-
	Total Village audit	<b>\$199,932.20</b>
Municipal:	Paid before Audit	\$ 140,447.13
	Capital Paid before Audit	-
	Electric Fund	42,759.94
	Sewer Fund	34,981.07
	Water Fund	66,715.48
	Capital Projects	780.26
	Total Municipal audit:	\$285,683.88

Carried

**FINANCE & ADMINISTRATION:** B. Church, Chair; W. Allison & N. Taylor  
 The last meeting was cancelled Tuesday August 7, 2007 at 8:30 am.  
 Trustees Church stated Treasurer Wilber would have a report at the next meeting.

**PERSONNEL:** M. Christensen, Chair; R. Hoban & N. Taylor  
 The last meeting was cancelled Monday August 13, 2007 at 4:00 PM, Room 210

Resolution NO.4 - 2008 Non - Union Salary Schedule for 2007- 2008 Budget - will be retro to June 1st., 2007

MOTION: by Trustee Taylor, seconded by Trustee Church to approve Resolution NO. 4 -2008 Non-Union Salary Schedule. Carried

**PARKS & RECREATION:** M. D'Abbracci, Chair: B. Church, W. Allison  
 At there regular meeting on Aug 2nd. At 7:00pm Trustee D'Abbracci reported the Parks are going well. The kids went to the Buffalo Bills Camp last week, had a luncheon on Weds. and other activities on Thurs. They have had a great time.

Zumba classes' - Dan said she the Zumba instructor was making a profit on Village property; the classes are located in the basement in the Village Hall. The Village does not charge for the use of the room. Atty. Brockman suggested several options. (1) Put her on the payroll under Park & Recreation - then if any money was made it would go to the Village. (2) She could leave. (3) Have her pay a maintenance fee. Attorney Brockman mentioned that a decision needs to be made fairly soon. Trustee D'Abbracci will work with Atty. Brockman on how to address the issue.

**PLANNING & DEVELOPMENT:** R. Hoban , Chair; M. Christensen  
 A change in the code for Sidewalks - Atty. Brockman asked Bruce Lyon if he has seen the paper work about a change in Part 1. Bruce new it came through, unsure where it is now. Not sure if the Board has seen it yet. The Deputy Clerk will ask in the office on Weds. At this time not sure where it stands.

MOTION: by Trustee D'Abbracci, seconded by Trustee Taylor to approve the SEQR application deadline change to three. Carried

SEQR State Environmental Quality Review-Assessment Form. Original paperwork signed.

**PUBLIC SAFETY:** N. Taylor, Chair: M. Chtristensen  
 No Report  
 Trustees Taylor, welcomed Trustee D'Abbracci to the committee. Police Chief Mitchell asked about the meeting days/times. Trustee Taylor the committee would only meet when they need to.

**Police Department:** Chief Mitchell  
 - MOTION by Trustee Church, seconded by Trustee Taylor to approve Chief Mitchell attend the Finger Lakes Law Enforcement Academy Fall Training Seminar for Chief's & Sheriff's in Varysburg, NY, Sept 25th -27th. Cost \$270.00. Carried

- Chief Mitchell would like to request 2-3 officers to attend a one-day training in Hopewell regarding Fraudulent Document Training presented by the Department of criminal justice. Nov 7th, 2007 (No cost for the course).

Trustee Taylor is it necessary that a total of three go to the course, wants to be sure that it's not going to be Overtime for the other staff. Chief Mitchell did assure her it would not be Overtime and he might be sending (2) two.

MOTION by Trustee Taylor, seconded by Trustee Church to approve 2-3 officers to attend a one-day training in Hopewell, at no cost. Carried

Atty. Brockman asked Chief Mitchell about the Blue Fest. For the most part no real problems. Chief Mitchell did address one issue to the owner and it was taken care of. Attorney Brockman would like regarding stamps to have more specific language in the agreement next year. There was a bigger crowd this year than last. He specified that the truck removed before morning. No problem with that.

Trustee Taylor asked about the fence in front of Lloyd's. She has had a few complaints. Bruce has gone down and measured it. He has had many people amazed that the Village would allow the fence. Atty. Brockman wonders does it comply with ADA - Bruce stated yes, and it is within our code, they cannot put out the small sandwich sign. It was asked if the Keuka Restaurant has done anything yet, they have a permit but have not started anything.

Trustee Taylor asked about the new Police car. Chief Mitchell stated the graphics are on the car and the parts are in today. Mark is working on it when he can, with out going into over time. Trustee Taylor asked about how many cars are not in use right now. Chief Mitchell stated only one, and we have money to fix it.

**Fire Department:** Chief B. Winslow

Deputy Mayor Allison spoke briefly about the firehouse project. He has received the drawings back and they have sketched over the old drawings. He and Trustee Church will go over the drawings this week. Then meet with Treasurer Wilber to see what direction they need to go. Will bring back to the board for more discussion.

**Code Enforcement:** B. Lyon

MOTION by Trustee Taylor, seconded by Church to approved CEO Bruce Lyon, to attend the 2007 NYS Building Officials Conference held on Sept. 9, 10 & 11th in Poughkeepsie, NY. The cost is \$130.00 for (2) two days. (2) two night stay at \$99.00 per night. Bruce would stay 2 nights Sept. 9 & 10th and return on the 11th. This is a budgeted item. Carried

**PUBLIC WORKS:** W. Allison, Chair; B. Hoban; B. Church

Deputy Mayor Allison said the crews are busy on the Streets and they are looking good. He has been questioned why are we going back to the oil & stone. It is a mess, but we don't have enough money to do it properly but enough to maintain them for a few more years... The crews are getting the loose stones off the sides of the road, this way we won't loose the streets completely.

R. Osgood will be returning to work in a few weeks, which will be around the end of August.

**Cemetery** Superintendent L. Axtell

Atty. Brockman has been contacted by Superintendent Axtell regarding a situation with a gentleman who wants to have a lady removed from a certain cemetery plot. Back in the 80's & 90's did not have specific authorization to bury people where they were buried. It seems no control in the past that anybody related to the family could say OK to bury anyone in the plot. Atty. Brockman advised Lynn "do not remove anyone short of a court order, do not dig up anything", we don't want to get in the middle of this.

Atty. Brockman stated we need tighter regulations. He will work on this with the Board's permission. The Board approved

**Buildings:**

No report

**MUNICIPAL:**

MOTION by Trustee Taylor, seconded by Trustee Church approved to borrow \$18,000 from the electric fund to cover the cost of replacing the channel grinder at the WWTP. Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to accept the bid of \$0.907 per cubic foot from Blue Heron Construction for the cleaning of the digester at the WWTP. Carried

MOTION by Trustee Allison, seconded by Trustee Church to accept the bid of \$49.83 per ton from Appleton's for the hauling of sludge from WWTP to Ontario County landfill. Bid price includes hauling and disposal. Carried

MOTION Trustee Allison seconded by Taylor to accept the estimate of \$700 from Fisher's Tree Service to remove a tree at the Welkers substation, which is a nuisance to neighbor Clifford Wood on Linden Street. Carried

Discussion - Ed Balsley stated the tree is on Village property, Mr. Wood said he would pay for half. This cost would be \$350.00 each. Atty. Brockman did ask Ed - did he know what kind of wood the tree is. That it might be worthwhile to investigate it. Due do cost of lumber might be able to sell the wood and get a little money out of it. Ed will look in to this.

MOTION The Village Board did amend and approved the \$350.00.

Carried

MOTION by Trustee Allison, seconded by Trustee Church to authorize the attendance up to (10) people to attend the FLWVC Summer Meeting on August 23rd at the Bristol Volunteer Fire Department.

Carried

MOTION by Trustee Allison, seconded by Taylor approved to authorize the attendance up to 3 people for the MEUA Annual Conference on Sept 18-21 at Lake George, NY.

Carried

MOTION by Trustee Allison seconded by Trustee Church to approve Ed Balsley Dir. Of Public Works as the delegating vote for the Village at the MEUA annual conference.

Carried

MOTION by Trustee Allison, seconded by Trustee Taylor to approve the payment agreement in the amount of \$5,086.04.

Carried

Deputy Mayor Allison asked if there were any other items - Chief Mitchell asked if anyone had heard anything more about Trolley Days. Chief Mitchell stated the last time he spoke with them he told them to contact him in August. The dates were around Sept. 22 & 23. Trustee Church suggested he call Gary Pinneo.

Chief Mitchell questioned who makes the decision on closing the Street-Parking lot. We have a concerned merchant asking about the closing of the parking lot. He has a lot of weekend business with the morning & lunch crowd. Trustee Allison stated this would be under the Public & Safety Committee/ Randy Jensen. Would recommend he speak with him in regards to this matter at the next meeting.

Deputy Mayor Allison introduced the new Deputy Clerk Mary Ann Martin.

**ADJOURNMENT INTO EXECUTIVE SESSION:**

At 8:08 PM, MOTION by Trustee Allison, seconded by Trustee Taylor to adjourn into Executive Session regarding a personnel matter.

Carried

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 8:58 PM, MOTION by Trustee Church, seconded by M. D'Abbracci to leave Executive Session and return to the regular Village Board Meeting.

Carried

**ADJOURNMENT:**

At 9:01PM, Trustee Taylor, seconded by Trustee D'Abbracci to adjourn the regular meeting.

Carried

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**

The next Regular Village Board Meeting is scheduled for Tuesday, September 11, 2007 at 7:00pm.