

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 19, 2013 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor R. Church; Trustees W. Allison; C. Christensen; M. Christensen; D. Reeve; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief Hulse; CEO B. Lyon; Fire Chief R. Simpson

**ABSENT:** Trustee Winslow

News Media present: Gwen Chamberlain, Chronicle Express; David Specksgoor, Dundee Observer

**PUBLIC:** Carol Robeson with 20/20, Mark Morris

Mayor Church called the Village Board meeting to order at 6:02 PM.

**CALL FOR EXECUTIVE SESSION:**

NO call for Executive Session tonight

**MINUTES:**

MOTION by Trustee C. Christensen, seconded by Trustee Allison to approve the Village Board Minutes from February 19, 2013

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**GUESTS, PUBLIC REQUEST & COMMENTS:**

MOTION by Trustee M. Christensen, seconded by Trustee Reeve to authorize First Presbyterian Church to hold the annual Easter Sunrise Service on March 31, 2013 at 7:00am at Indian Pines Park.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

MOTION by Trustee C. Christensen, seconded by Trustee M. Christensen to authorize Penn Yan area Council of Church to hold the annual C.R.O.P. walk on May 5, 2013at 1:00 pm.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

MOTION by Trustee C. Christensen, seconded by Trustee M. Christensen to authorize the Penn Yan area Council of Churches to hold the annual Turkey Walk on November 3, 2013 at 1:00pm.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize the VFW to hold the annual Memorial Day parade on Monday May 27, 2013 at 10:00am.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MAYOR:**

Mayor Church welcomed Gary Meeks the new Clerk/Treasurer.

MOTION by Trustee Stewart, seconded by Trustee Reeve to authorize a Budget Workshop for Monday March 25, 2013 at 9:00AM.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

Mayor Church reminded the Board the Organization meeting is Monday April 1, 2013 at 5:00PM.

MOTION by Trustee M. Christensen, seconded by Trustee C. Christensen to set a Public Hearing for April 16<sup>th</sup> at 6:00PM for the approval of the budget.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**ATTORNEY:**

**MOTION** by Trustee Reeve, seconded by Trustee M. Christensen to authorize Resolution No 15-2013 Proposed Local Law amending the code of the Village of Penn Yan to Authorize Traffic Control Signals at Specific Intersections and set a Public Hearing for April 16, 2013 at 6:05 PM.

**WHEREAS**, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider a Local Law to authorize traffic control signals (traffic lights) at various intersections in the Village; and

**WHEREAS**, the Board of Trustees intends to act as lead agency for the purposes of the review of this proposed Local Law under the provisions of SEQRA; and

**WHEREAS**, it appears that there will be no environmental impact by the adoption of such a Local Law and such adoption may accordingly be deemed a “Type II” Action pursuant to NYCRR617.5(c)(16); and

**WHEREAS**, a proposed Local Law has been circulated to the Board of Trustees.

**Now Therefore, be it**

**RESOLVED**, that the Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action; and be it further

**RESOLVED**, that the Board of Trustees of the Village of Penn Yan determines that no environmental impact will occur by the adoption of this Local Law, the adoption of such Local Law is a “Type II” Action pursuant to NYCRR 617.5(c) (16); and it is further

**RESOLVED**, that a public hearing is scheduled for April 16, 2013 at 6:05 p.m. and that requisite notice thereof be made.

DISCUSSION: After a brief discussion – Atty. Brockman will revise the Local Law to show the Street to show East Main & Lake Street for the traffic light.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

Atty. Brockman reviewed in full the SEQRA with the Village Board for Zoning District Classification of Property on west side of Sherman Street and 1984 Outlet Road.

**MOTION** by Trustee Reeve, seconded by Trustee M. Christensen to authorize Resolution No 16-2013 Regarding SEQRA Issues, Setting a Public Hearing and Referral to the County Planning Board of the Local Law Establishing Zoning District Classification for Two Parcels of Land Being Annexed to the Village and set a Public Hearing for April 16, 2013 at 6:10 PM.

**WHEREAS**, the Board of Trustees of the Village of Penn Yan has approved annexation of two parcels of land, to wit: approximately 0.623 acre on the west side of Sherman Street and approximately 0.55 acre known as 1984 Outlet Road, each of which will be assigned a zoning district classification. The Sherman Street property is recommended to be classified as General Residential (R-2) and the 1984 Outlet Road property is recommended to be classified as Single Family Residential (R-1); and

**WHEREAS**, a proposed Local Law has been prepared and circulated to the Board of Trustees with respect thereto; and

**WHEREAS**, the action has previously determined to be an unlisted action and on SEAF has been prepared.

**Now Therefore, be it**

**RESOLVED**, that a public hearing on the proposed Local Law is hereby scheduled for April 16, 2013 at 6:10 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney; and it is further.

**RESOLVED**, that the proposed is referred to the Yates County Planning Board for review and action pursuant to GML §239-M, together with the draft SEAF.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**COMMUNITY REVITALIZATION:**

No update

**MUNICIPAL:**

**MOTION** by Trustee Allison, seconded by Trustee Reeve to authorize the attendance of Mike Mullins at GE Meter School being held June 11<sup>th</sup> to 14<sup>th</sup> in Dover, NH at a cost of \$800 for the school and \$408 for the hotel (\$1,208) plus mileage.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee Allison, seconded by Trustee C. Christensen to authorize Resolution No 23-2013 to appoint Brent Bodine as the Village delegate at the MEUA Semi-Annual meeting being held April 17<sup>th</sup> and April 18<sup>th</sup>, 2012 in East Syracuse, NY.

At a regular meeting of the Village Board of the city/Town/Village of Penn Yan, New York, held on March 15, 2013, the following resolution was adopted:  
Motion by \_\_\_\_\_, seconded by \_\_\_\_\_.  
WHEREAS, the Village Board of the City/Town/Village of Penn Yan, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and WHEREAS, the semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on April 17 and April 18, 2013 to be held at the Embassy Suites Hotel, 6646 Old Collamer Road, East Syracuse, New York, 13057 and,  
WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast over one vote on each transaction properly brought before this meeting,  
NOW THEREFORE BE IT RESOLVED, that Brent Bodine be and is hereby designated as the accredited delegate

of the City/Town/Village of Penn Yan, New York.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee Allison, seconded by Trustee M. Christensen to forgive a portion of Melinda Alden’s sewer bill for 307 E. Elm Street in the amount of \$104.77 since Bill Jensen confirmed that this water did not enter the public sewer system.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee Allison, seconded by Trustee M. Christensen to forgive a portion of the February sewer bill for Megan Peter, a tenant at 222 Clinton Street in the amount of \$90.18 contingent upon confirmation that this water could not have entered the public sewer system.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee Allison, seconded by Trustee M. Christensen to approve Utility Payment Agreements in the amount of \$14,985.19

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**FINANCE & ADMINISTRATION:**

**MOTION:** by Trustee C. Christensen, seconded by Trustee Allison to pay current Village and Municipal bills as submitted.

**WARRANT:**

|                                  | Amount:              |
|----------------------------------|----------------------|
| <b>Paid Before Audit:</b>        |                      |
| General                          | 26,895.88            |
| Electric                         | 380,736.16           |
| Sewer                            | 8,666.05             |
| Water                            | 8,955.95             |
| Capital Projects                 |                      |
| <b>Total Paid Before Audit</b>   | <b>\$ 425,254.04</b> |
| <b>Current Audit:</b>            |                      |
| General                          | \$ 61,352.89         |
| Community Development - CRC      | -                    |
| Electric                         | 50,477.76            |
| Sewer                            | 47,420.30            |
| Water                            | 65,746.78            |
| Capital Projects                 | -                    |
| <b>Total Current Audit Items</b> | <b>\$ 224,997.73</b> |
| <b>TOTAL AUDIT</b>               | <b>\$ 650,251.77</b> |

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee C. Christensen, seconded by Trustee Stewart to authorize Resolution No 9-2013 Revised Budget Transfer 2012-2013.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee C. Christensen, seconded by Trustee M. Christensen to authorize a paid before April’s warrant of \$269.65 to Card member Service for Visa payment.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee C. Christensen, seconded by Trustee Allison to authorize Resolution No 17-2013 Budget Amendment 2012-2013.

|                        |                |                                      |            |
|------------------------|----------------|--------------------------------------|------------|
| <b><u>Increase</u></b> |                |                                      |            |
| Budget                 | 3-A-3410-2-200 | Fire Equipment                       | 458,552.00 |
| Revenue                | 3-A-5730-00    | Bond Anticipation Notes              | 220,222.00 |
| Revenue                | 3-A-2665-00    | Sale of Equipment                    | 40,000.00  |
| Revenue                | A963           | Budgetary Reserve for Fire Equipment | 198,330.00 |

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee C. Christensen, seconded by Trustee Allison to authorize Resolution No 18-2013 Revised budget Transfers 2012-2013.

| <b><u>TO:</u></b>      |                                                     |             | <b>Fund</b>          |
|------------------------|-----------------------------------------------------|-------------|----------------------|
| <b>Account Id</b>      | <b>Description</b>                                  | <b>Date</b> | <b><u>Totals</u></b> |
| <b>3-A962</b>          | <b>Budgetary Provisions - DPW Equipment Reserve</b> |             |                      |
| <b>3-A511</b>          | <b>Reserve Funding - DPW Equipment</b>              |             |                      |
| <b>3-A-2665</b>        | <b>Sale of Equipment</b>                            |             |                      |
| <b>3-A -0000-0-000</b> | <b>GENERAL FUND</b>                                 |             |                      |
| 3-A -3410-0-000        | FIRE                                                |             |                      |
| 3-A -3410-2-200        | Fire-Equipment                                      | 58,125      |                      |
| 3-A -3410-4-400        | Fire-Grant                                          |             |                      |
| 3-A -3410-4-410        | Fire-Contractual Services                           |             |                      |
| 3-A -3410-4-411        | Fire-Vehicle Repairs                                |             |                      |
| 3-A -3410-4-412        | Fire-Gas & Oil                                      |             |                      |
| 3-A -3410-4-413        | Fire-Department Contract                            |             |                      |
| 3-A -3410-4-414        | Fire-Equipment Repairs                              |             |                      |

|                 |                                              |  |        |               |
|-----------------|----------------------------------------------|--|--------|---------------|
| 3-A -3410-4-415 | Fire-Health Services                         |  |        |               |
| 3-A -3410-4-416 | Fire-Ladder Testing                          |  |        |               |
| 3-A -3410-4-420 | Fire-Phone/Internet/Utilities                |  |        |               |
| 3-A -3410-4-430 | Fire-Insurance                               |  |        |               |
| 3-A -3410-4-450 | Fire-Computer Services                       |  |        |               |
| 3-A -3410-4-480 | Fire-Hose Testing                            |  |        |               |
| 3-A -3410-4-500 | Fire-Supplies & Materials                    |  |        |               |
| 3-A -3410-4-520 | Fire-Bunker Gear/Bags/Gloves                 |  |        |               |
| 3-A -3410-4-530 | Fire-Fire Equipment                          |  |        |               |
| 3-A -3410-4-590 | Fire-Haz-Mat                                 |  |        |               |
| 3-A -9785-0-000 | DEBT SERVICE LEASE PAYMENTS                  |  |        |               |
| 3-A -9785-6-600 | Fire Truck Lease Principal                   |  |        |               |
| 3-A -9785-7-700 | Fire Truck Lease Interest                    |  |        |               |
|                 |                                              |  | 58,125 |               |
|                 |                                              |  |        | General58,125 |
|                 |                                              |  |        | Electric-     |
|                 |                                              |  |        | Sewer-        |
|                 |                                              |  |        | Water-        |
|                 |                                              |  | -      | 58,125        |
| FROM:           |                                              |  |        |               |
| Account Id      | Description                                  |  |        | Date          |
| 3-A962          | Budgetary Provisions - DPW Equipment Reserve |  |        |               |
| 3-A511          | Reserve Funding - DPW Equipment              |  |        |               |
| 3-A-2665        | Sale of Equipment                            |  |        |               |
| 3-A -0000-0-000 | GENERAL FUND                                 |  |        |               |
| 3-A -9785-0-000 | DEBT SERVICE LEASE PAYMENTS                  |  |        |               |
| 3-A -9785-6-600 | Fire Truck Lease Principal                   |  | 50,000 |               |
| 3-A -9785-7-700 | Fire Truck Lease Interest                    |  | 8,125  |               |
|                 |                                              |  | 58,125 |               |
|                 |                                              |  |        | General58,125 |
|                 |                                              |  |        | Electric-     |
|                 |                                              |  |        | Sewer-        |
|                 |                                              |  |        | Water-        |
|                 |                                              |  |        | 58,125        |

ADOPTED Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

MOTION by Trustee C. Christensen, seconded by Trustee M. Christensen to authorize Resolution No 19-2013 Budget Transfers 2012-2013.

|                 |                                              |  |        |             |
|-----------------|----------------------------------------------|--|--------|-------------|
| TO:             |                                              |  |        | Fund        |
| Account Id      | Description                                  |  | Date   | Totals      |
| 3-A962          | Budgetary Provisions - DPW Equipment Reserve |  |        |             |
| 3-A511          | Reserve Funding - DPW Equipment              |  |        |             |
| 3-A-2665        | Sale of Equipment                            |  |        |             |
| 3-A -0000-0-000 | GENERAL FUND                                 |  |        |             |
| 3-ES-8130-0-000 | SEWAGE TREATMENT                             |  |        |             |
| 3-ES-8130-4-410 | Sewage Treatment-Contractual Services        |  | 33,000 |             |
|                 |                                              |  | 33,000 |             |
|                 |                                              |  |        | General-    |
|                 |                                              |  |        | Electric-   |
|                 |                                              |  |        | Sewer33,000 |
|                 |                                              |  |        | Water-      |
|                 |                                              |  | -      | 33,000      |
| FROM:           |                                              |  |        |             |
| Account Id      | Description                                  |  |        | Date        |
| 3-A962          | Budgetary Provisions - DPW Equipment Reserve |  |        |             |
| 3-A511          | Reserve Funding - DPW Equipment              |  |        |             |
| 3-A-2665        | Sale of Equipment                            |  |        |             |
| 3-A -0000-0-000 | GENERAL FUND                                 |  |        |             |
| 3-ES-8130-0-000 | SEWAGE TREATMENT                             |  |        |             |
| 3-ES-8130-4-505 | Sewage Treatment-Process Machinery           |  | 33,000 |             |
|                 |                                              |  | 33,000 |             |
|                 |                                              |  |        | General-    |
|                 |                                              |  |        | Electric-   |

|       |               |
|-------|---------------|
| Sewer | 33,000        |
| Water | -             |
|       | <u>33,000</u> |

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee C. Christensen, seconded by Trustee Reeve to authorize Resolution No 20-2013 Budget Transfers 2012-2013.

| <u>TO:</u>      |                                              |              | Fund          |
|-----------------|----------------------------------------------|--------------|---------------|
| Account Id      | Description                                  | Date         | Totals        |
| 3-A962          | Budgetary Provisions - DPW Equipment Reserve |              |               |
| 3-A511          | Reserve Funding - DPW Equipment              |              |               |
| 3-A-2665        | Sale of Equipment                            |              |               |
| 3-A -0000-0-000 | GENERAL FUND                                 |              |               |
| 3-A -5110-0-000 | STREET MAINTENANCE                           |              |               |
| 3-A -5110-2-200 | Street Maintenance-Equipment                 | 4,000        |               |
|                 |                                              | <u>4,000</u> |               |
|                 |                                              |              | General 4,000 |
|                 |                                              |              | Electric -    |
|                 |                                              |              | Sewer -       |
|                 |                                              |              | Water -       |
|                 |                                              | -            | <u>4,000</u>  |
| <u>FROM:</u>    |                                              |              |               |
| Account Id      | Description                                  | Date         |               |
| 3-A962          | Budgetary Provisions - DPW Equipment Reserve |              |               |
| 3-A511          | Reserve Funding - DPW Equipment              |              |               |
| 3-A-2665        | Sale of Equipment                            |              |               |
| 3-A -0000-0-000 | GENERAL FUND                                 |              |               |
| 3-A -5110-0-000 | STREET MAINTENANCE                           |              |               |
| 3-A -5110-4-520 | Street Maintenance-Salt & Sand               | 4,000        |               |
|                 |                                              | <u>4,000</u> |               |
|                 |                                              |              | General 4,000 |
|                 |                                              |              | Electric -    |
|                 |                                              |              | Sewer -       |
|                 |                                              |              | Water -       |
|                 |                                              |              | <u>4,000</u>  |

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee C. Christensen, seconded by Trustee Reeve to authorize Resolution No 21-2013 Budget Transfers 2012-2013.

| <u>TO:</u>      |                                              |              | Fund          |
|-----------------|----------------------------------------------|--------------|---------------|
| Account Id      | Description                                  | Date         | Totals        |
| 3-A962          | Budgetary Provisions - DPW Equipment Reserve |              |               |
| 3-A511          | Reserve Funding - DPW Equipment              |              |               |
| 3-A-2665        | Sale of Equipment                            |              |               |
| 3-A -0000-0-000 | GENERAL FUND                                 |              |               |
| 3-A -8020-0-000 | PLANNING                                     |              |               |
| 3-A -8020-1-100 | Planning-Personal Services                   |              |               |
| 3-A -8020-4-410 | Planning-Contractual Services                |              |               |
| 3-A -8020-4-480 | Planning-Professional & Training             |              |               |
| 3-A -8020-4-490 | Planning-Engineering Fees                    |              |               |
| 3-A -8020-4-500 | Planning-Supplies & Materials                | 2,325        |               |
|                 |                                              | <u>2,325</u> |               |
|                 |                                              |              | General 2,325 |
|                 |                                              |              | Electric -    |
|                 |                                              |              | Sewer -       |
|                 |                                              |              | Water -       |
|                 |                                              | -            | <u>2,325</u>  |

| FROM:           |                                              |              |          |              |
|-----------------|----------------------------------------------|--------------|----------|--------------|
| Account Id      | Description                                  |              | Date     |              |
| 3-A962          | Budgetary Provisions - DPW Equipment Reserve |              |          |              |
| 3-A511          | Reserve Funding - DPW Equipment              |              |          |              |
| 3-A-2665        | Sale of Equipment                            |              |          |              |
| 3-A -0000-0-000 | GENERAL FUND                                 |              |          |              |
| 3-A -8020-0-000 | PLANNING                                     |              |          |              |
| 3-A -8020-1-100 | Planning-Personal Services                   |              |          |              |
| 3-A -8020-4-410 | Planning-Contractual Services                |              |          |              |
| 3-A -8020-4-480 | Planning-Professional & Training             | 175          |          |              |
| 3-A -8020-4-490 | Planning-Engineering Fees                    | 2,150        |          |              |
| 3-A -8020-4-500 | Planning-Supplies & Materials                |              |          |              |
|                 |                                              | <u>2,325</u> |          |              |
|                 |                                              |              | General  | 2,325        |
|                 |                                              |              | Electric | -            |
|                 |                                              |              | Sewer    | -            |
|                 |                                              |              | Water    | -            |
|                 |                                              |              |          | <u>2,325</u> |

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee C. Christensen, seconded by Trustee Allison to authorize Mayor Church signs the contract with Municipal Solutions, Inc. for four proposals 1. Bond-Anticipation Note borrowings 2. Long-Term Serial Bond Borrowing 3. Secondary Market Disclosure 4. General Financial Services.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

Trustee C. Christensen mentioned she wanted everyone to know how much we appreciated and wanted to thank our past Clerk/Treasurer Shawna Wilber. She was very willing to come in and help Gary with these transfers and other questions he had. She was very helpful.

**PERSONNEL:**

**MOTION** by Trustee M. Christensen, seconded by Trustee Reeve for the permanent appointment for Brandon Dehond Police Officer Effective March 19, 2013.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**MOTION** by Trustee M. Christensen, seconded by Trustee Reeve for the permanent appointment for Wayne Marsh Police Officer effective March 20, 2013.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
Nays 0 Abstain 0 Absent Winslow

**PUBLIC SAFETY:**

**MOTION** by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Resolution No 13-2013 Opposing the Process for Enactment of the New York Secure ammunition and Firearms enforcement act of 2013.

**WHEREAS**, the enactment of the NY SAFE Act on January 15, 2013 by the NYS Legislature and signed by Governor Cuomo, although having several good points including increased criminal penalties and mental health requirements has provoked significant controversy over both the process by which it was enacted and having certain provisions contained within being viewed by many citizens that this Legislature has infringed upon their rights guaranteed to them under the Second Amendment of the United States Constitution; and

**WHEREAS**, Governor Cuomo has proposed spending \$36 million dollars in his 2013-2014 Executive budget for the implementation of the NY SAFE Act at a time when New York State taxpayers seek tax relief, as fiscal burdens being placed on local village governments for required state services costs are unsustainable, and

**WHEREAS**, each and every bill that comes before the New York State Legislature before any enactment deserves a fair and open discussion that supports the people’s right to know and access to information which incorporates all points of view in order to ensure that all citizens are heard and that the Legislation has its intended purpose, and in this case benefits the people of the State of New York in reducing gun violence, and

**WHEREAS**, it is apparent to reasonable people that this thirty-nine page bill was hastily processed, and was adopted after minimal public discussion that contains definitions and exemption flaws, as well as possible unfunded mandates on village governmental agencies; and that the legislature and Governor did not properly seek out and consider public input to the standard that we do locally for consideration of any local laws;

**NOW, THEREFORE, BE IT RESOLVED, THAT THE**

Penn Yan Village Board of Trustees wishes to express its concern that the normal due process for such acts was inconsistent, and any future legislation which addresses the fringes of a constitutional freedom regarding the ownership of types of guns and the sale of ammunition in the State of New York be conducted only after an open debate pursuant to which the public is allowed to participate in hearings or otherwise, and express their points of view, and that proper and applicable amendment to this act be enacted; and further

**RESOLVED**, that certified copies of this resolution be forwarded by the Clerk of this Board to Governor Andrew Cuomo, Senator Thomas O'Mara, Assemblyman Phil Palmesano, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Minority Leader Assemblyman Brian M. Kolb, Inter-County, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Thomas Reed and to the New York Conference of Mayors.

**ADOPTED** Ayes 5 Church, Allison, C. Christensen, M. Christensen, Reeve  
Nays Stewart Abstain 0 Absent Winslow

**MOTION** by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize Resolution No. 14-2013 In support of the second amendment and for the Repeal of the Safe Act 2013.

**WHEREAS**, the Right of the People to Keep and Bear Arms is guaranteed as an Individual Right under the Second Amendment to the United States Constitution and under the Constitution of the State of New York, and;

**WHEREAS**, the Right of the People to Keep and Bear Arms for the defense of Life, Liberty and Property is regarded as an Inalienable Right by the People of the Village of Penn Yan, New York, and;

**WHEREAS**, the People of the Village of Penn Yan, New York, derive economic benefit from all safe forms of firearms recreation, hunting and shooting conducted within in Yates County using all types of firearms allowable under the United States Constitution and the Constitution of the State of New York, and;

**WHEREAS**, the Penn Yan Village Board of trustees, being elected to represent the People of the Village of Penn Yan and being duly sworn by their Oath of Office to uphold the United States Constitution and the Constitution of the State of New York, and;

**WHEREAS**, legislation passed by the New York Assembly and Senate infringes on the Right to Keep and Bear Arms and would ban the possession and use of firearms now employed by individual citizens of the Village of Penn Yan, for defense of Life, Liberty and Property and would ban the possession and use of firearms now employed for safe forms of firearms recreation, hunting and shooting conducted within Yates County, New York and the Village of Penn Yan being the County seat of Yates County;

**WHEREAS**, Trustees of the Village of Penn Yan believes there a many other less intrusive means available, other than rash, confusing, and inarticulately drafted firearms laws that would effectively, control, manage and reduce violence in our society, such as, mental health reforms, anti-bullying programs for schools, enforcement of existing firearms laws to the fullest extent possible, and proper psychological counseling for those in need;

**NOW, THEREFORE IT BE AND IS HEREBY RESOLVED**

that the Penn Yan Village Board of Trustees does hereby oppose the enactment of the Safe Act 2013 and calls for the repeal of said act. That said act would infringe upon the Right of the People to keep and bear arms and consider such laws to be unnecessary and beyond lawful legislative authority granted to our State representatives, as there is no documented correlation between gun control measures and crime reduction.

**RESOLVED**, that certified copies of this resolution be forwarded by the Clerk of this Board to Governor Andrew Cuomo, Senator Thomas O'Mara, Assemblyman Phil Palmesano, Senate Majority Leader Dean Skelos, Assembly Speaker Sheldon Silver, Minority Leader Assemblyman Brian M. Kolb, Inter-County, Senator Charles Schumer, Senator Kirsten Gillibrand, Congressman Thomas Reed and to the New York Conference of Mayors.

**ADOPTED** Ayes 5 Church, Allison, C. Christensen, M. Christensen, Reeve  
Nays Stewart Abstain 0 Absent Winslow

POLICE DEPARTMENT:

Trustee M. Christensen complimented the Police Department on the two big recent drug arrests in the Village.

FIRE DEPARTMENT:

Monthly Fire Department report

Penn Yan Volunteer Fire Department    REPORT TO THE CHIEF for Mar 2013  
run 03-18-2013 Pg 1

| Descri | er | rs | rs | Description                 | Number | Firefighters | Manhours |
|--------|----|----|----|-----------------------------|--------|--------------|----------|
|        |    |    |    | Fire Alarms                 |        |              |          |
| Hous   | 2  | 61 | .4 | House Fires                 | 2      | 61           | 173.4    |
| Busin  |    |    |    | Business Fires              |        |              |          |
| Grass  |    |    |    | Grass/Brush Fires           |        |              |          |
| Outsi  | 1  | 25 | .4 | Outside Building/Barn Fires | 1      | 25           | 10.4     |
| Car/V  |    |    |    | Car/Vehicle Fires           |        |              |          |
| Other  |    |    |    | Other Fires                 |        |              |          |
| Wires  |    |    |    | Wires                       |        |              |          |
| Other  | 4  | 71 | .1 | Other Emergency             | 4      | 71           | 20.1     |
| Auto   | 7  | 05 | .3 | Automatic Alarm Fires       | 7      | 105          | 18.3     |
| Mutua  | 3  | 40 | .5 | Mutual Aid Scene            | 3      | 40           | 262.5    |
| Mutua  |    |    |    | Mutual Aid Standby          |        |              |          |
| Public |    |    |    | Public Service              |        |              |          |
| Vehicl | 1  | 22 | .9 | Vehicle Accident            | 1      | 22           | 24.9     |
| Total  | 18 | 24 | .6 | Total Fire Calls            | 18     | 324          | 509.6    |
|        |    |    |    | Medical/Rescue Calls        |        |              |          |
| First  |    |    |    | First Responders            |        |              |          |
| Assist | 2  | 17 | .3 | Assist Ambulance            | 2      | 17           | 5.3      |
| Other  |    |    |    | Other Medical               |        |              |          |
| Total  | 2  | 17 | .3 | Total Med/Resc Calls        | 2      | 17           | 5.3      |
| Total  | 20 | 41 | .9 | Total ALL Calls             | 20     | 341          | 514.9    |
|        |    |    |    | Other Activities            |        |              |          |
| Cours  | 10 | 10 | .0 | Courses                     | 10     | 10           | 144.0    |
| Drills | 5  | 69 | .0 | Drills                      | 5      | 69           | 161.0    |
| Mont   | 7  | 93 | .0 | Monthly Meetings            | 7      | 93           | 63.0     |
| Com    |    |    |    | Committee Meetings          |        |              |          |
| Fire P |    |    |    | Fire Prevention             |        |              |          |
| Fund   |    |    |    | Fund Raising                |        |              |          |
| Parad  |    |    |    | Parades/Cleanup             |        |              |          |
| Work   | 5  | 26 | .0 | Work Detail                 | 5      | 26           | 107.0    |
| Wake   |    |    |    | Wake/Funeral                |        |              |          |
| Line   |    |    |    | Line Of Duty                |        |              |          |
| Other  |    |    |    | Other                       |        |              |          |
| Total  | 27 | 98 | .0 | Total Other Activities      | 27     | 198          | 475.0    |
| ****   | ** | ** | ** | *****                       | ***    | *****        | *****    |
| Total  | 47 | 39 | .9 | Total ALL Activities        | 47     | 539          | 989.9    |

Year to Date Fire Department

Penn Yan Volunteer Fire Department    REPORT TO THE CHIEF for 2013 YTD  
run 03-18-2013 Pg 1

| Description                 | Number | Firefighters | Manhours |
|-----------------------------|--------|--------------|----------|
| Fire Alarms                 |        |              |          |
| House Fires                 | 5      | 173          | 257.3    |
| Business Fires              |        |              |          |
| Grass/Brush Fires           |        |              |          |
| Outside Building/Barn Fires | 1      | 25           | 10.4     |
| Car/Vehicle Fires           |        |              |          |
| Other Fires                 | 1      | 6            | 1.2      |
| Wires                       | 4      | 60           | 13.6     |
| Other Emergency             | 18     | 278          | 101.4    |
| Automatic Alarm Fires       | 13     | 201          | 40.3     |
| Mutual Aid Scene            | 5      | 68           | 349.9    |
| Mutual Aid Standby          |        |              |          |
| Public Service              |        |              |          |
| Vehicle Accident            | 1      | 22           | 24.9     |
| Total Fire Calls            | 48     | 833          | 799.0    |
| Medical/Rescue Calls        |        |              |          |
| First Responders            |        |              |          |
| Assist Ambulance            | 4      | 44           | 15.0     |
| Other Medical               |        |              |          |
| Total Med/Resc Calls        | 4      | 44           | 15.0     |
| Total ALL Calls             | 52     | 877          | 814.0    |
| Other Activities            |        |              |          |
| Courses                     | 10     | 10           | 144.0    |
| Drills                      | 12     | 183          | 319.5    |
| Monthly Meetings            | 21     | 217          | 183.0    |
| Committee Meetings          |        |              |          |
| Fire Prevention             |        |              |          |
| Fund Raising                |        |              |          |
| Parades/Cleanup             |        |              |          |
| Work Detail                 | 20     | 93           | 479.3    |
| Wake/Funeral                | 1      | 38           | 19.0     |
| Line Of Duty                |        |              |          |
| Other                       |        |              |          |
| Total Other Activities      | 64     | 541          | 1144.8   |
| *****                       | ***    | *****        | *****    |
| Total ALL Activities        | 116    | 1418         | 1958.8   |

**MOTION** by Trustee M. Christensen, seconded by Trustee C. Christensen to authorize James Hayes and Bob Miller be elected to Ellsworth Hose Company effective March 5, 2013.

**ADOPTED**      Ayes   6   Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
                     Nays     0           Abstain   0           Absent   Winslow

Trustee M. Christensen mentioned this month the Fire Department had two calls which could have been fatal. One on Wagner Street and second one at St. Marks Terrace. They did a great job - had a very quick response to both. Trustee M. Christensen stated the Penn Yan school district removed themselves from the game well system

Trustee M. Christensen discussed the Fire Department building project - no decisions will be made tonight. We are starting the budget process and feel we need to keep this in mind. Bill Jensen and Elliott Engineering are reviewing items which need to be repaired including windows- asbestos fees and the biggest is the roof. We need to think on how we are fixing these items – do we ease into them one year at a time or look at a ban or bond. Will discuss these repairs with Fire Department.

**MOTION** by Trustee M. Christensen, seconded by Trustee C. Christensen to approve the Penn Yan Fire Department - Garverick Plan for the LOSAP Point System from January 1, 2012 – December 31, 2012. Our insurance agent will submit the report.

**ADOPTED**      Ayes   6   Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
                     Nays     0           Abstain   0           Absent   Winslow

Trustee M. Christensen explained the purchase of Fire Truck tires. After a meeting with the Fire Chiefs and Trombley’s and discussed the age of the tires it was decided to purchase a number of new tires. Amount was under State bid price. We sold the used tires at auction to farmers. We are asking the Finance committee will we use reserve funds or part of the Fire Department budget to help pay for the bill of \$17,000.

**CODE ENFORCEMENT:**

No update

**PUBLIC WORKS:**

**MOTION** by Trustee Allison, seconded by Trustee Reeve to declare PW#1 as ‘surplus’ and advertise it for sale on e-bay for a reserve price of \$19,620.

**ADOPTED**      Ayes   6   Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
                     Nays     0           Abstain   0           Absent   Winslow

**MOTION** by Trustee Allison, seconded by Trustee Reeve to authorize the attendance of Lynn Axtell at the Finger Lakes Funeral Directors Association Meeting being held March 27<sup>th</sup> in Watkins Glen, NY at no cost to the Village.

**ADOPTED**      Ayes   6   Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
                     Nays     0           Abstain   0           Absent   Winslow

**MOTION** by Trustee Allison, seconded by Trustee Reeve to authorize the attendance of Dan Doyle and Bill Knauss at the Sanico Facility Health, Hygiene and Sanitation Show being held April 3<sup>rd</sup> in Owego, NY at no cost to the Village, except for mileage.

**ADOPTED**      Ayes   6   Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
                     Nays     0           Abstain   0           Absent   Winslow

**MOTION** by Trustee Allison, seconded by Trustee Reeve to authorize the attendance of Penn Yan employees at the Dig Safely NY Process Review Training being held April 4<sup>th</sup> at the Penn Yan Firehouse at no cost to the Village.

**ADOPTED**      Ayes   6   Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart  
                     Nays     0           Abstain   0           Absent   Winslow

**PARKS & RECREATION:**

**(On Hold) MOTION** by Trustee Stewart, seconded by Trustee C. Christensen to authorize Mayor Church signs the Outdoor Tobacco Free Policy for the Village of Penn Yan.

Discussion: Trustee Stewart explained we can get free signs from the Tobacco Free coalition if we have a Policy in place. Mayor would like to know exactly what the wording will be saying of the signs. Trustee Stewart stated these will be placed around the playgrounds. Atty. Brockman had some concerns over the wording in a few places on the policy – he would like to review this first. After a brief discussion it was decided to place this on hold and review at Monday’s meeting. No vote was taken.

**(On Hold) MOTION** by Trustee Stewart, seconded by Trustee C. Christensen to authorize Resolution No 22-2013 Host Agreement for Milo Metering at Red Jacket Park.

Discussion: Atty. Brockman has questions regarding the wording on the agreement, he asked this to be tabled and placed on the agenda for the April 1<sup>st</sup> meeting. It was decided to place this on hold until Atty. Brockman has time to review it.

**PLANNING & DEVELOPMENT:**

No update

**PLANNING BOARD:**

**MOTION** by Trustee Reeve, seconded by Trustee Stewart to authorize the hiring of Hunt Engineering to perform Data Collection and NYSDOT Level II Inspection and rating of the four pedestrian bridges that are currently part of the Keuka Outlet Trail for a sum total fee of \$5880.00, subject to the confirmation of funds are available.

Discussion: Trustee Reeve explained Brent Bodine has been working on a grant application regarding the rehabilitation and improvement to pedestrian bridges on the Outlet Trail. Trustee Reeve stated the Outlet Trail is good for this Community - great walking and biking. We need more details to help support the grant. Have some funds in budget already. Brent explained the inspection will help identify problems with the pedestrian bridges and what specifics items need to be corrected.

|                |      |   |                                                                 |
|----------------|------|---|-----------------------------------------------------------------|
| <b>ADOPTED</b> | Ayes | 6 | Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart |
|                | Nays | 0 | Abstain 0 Absent Winslow                                        |

**COMMENTS**

Trustee Reeve discussed the Comprehensive plan for the Village. Last done in 1999 and was approved in 2000, we now have 3-4 issues need to review for this. Trustee Reeve feels we should be looking at this – since we are discussing the budget. Trustee Allison mentioned this should be reviewed every 5 years. Atty. Brockman reminded the Board would need a Public Hearing and could cost up to \$50,000.

**ADJOURNMENT:**

At 7:17PM **MOTION** by Trustee M. Christensen, seconded by Trustee Allison to adjourn the regular meeting.

|                |      |   |                                                                 |
|----------------|------|---|-----------------------------------------------------------------|
| <b>ADOPTED</b> | Ayes | 6 | Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart |
|                | Nays | 0 | Abstain 0 Absent Winslow                                        |

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Mary Ann Martin, Deputy Clerk