

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 16, 2018 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor MacKerchar; Trustees W. Allison; C. Benedict- arrived at 6:06PM; D. Condella; K. McLoud; D. Reeve (skype); R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Pealer; Director of Public Works B. Bodine; Police Chief T. Dunham; CEO B. Lyon

ABSENT: Assistant Director of Public Works B. Jensen; Fire Chief B. LaRock

News Media present: Gwen Chamberlain, Chronicle Express; George Lawson, Dundee Observer

PUBLIC: Ray Spencer, Murry Hestley-Board member for the Oliver House and Underwood Museum

At 6:00 PM, Mayor MacKerchar called the Village Board meeting to order.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to have an Executive Session for legal counsel and contractual issue of an employee. Asked Atty. Brockman and Brent Bodine to attend the meeting at the end of the regular board meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent Benedict

At 6:06 PM Trustee Benedict arrive to meeting

MINUTES:

MOTION by Trustee Stewart, seconded by Trustee McLoud to approve the Village Board Minutes from December 19, 2017.

ADOPTEDAyes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

GUESTS, PUBLIC REQUEST & COMMENTS:

Murray Hestley explained briefly what the Oliver House and Underwood Museum has to offer to the Community. The Museum has a lot of Yates County history, artifacts, WWI and Steamboat exhibits along with many other items for the area which we like to show people. We can help with Genealogy research. We have yearly Veterans Day celebration in front of Museum. We do yearly Cemetery tours, volunteers dress up and rein act the character and tell their story of what and how they contributed to Penn Yan and the area. They have assisted the Outlet Trail with signage and have an open house at Star Shine. Mr. Hestley offered a tour to the Board as a group or as an individual to stop for a tour.

MAYOR:

Mayor mentioned he and the Municipal Board had a tour of Siligan Plastic last week, it was very interesting; they have four new machines and employ 185 people. It was good to see how they operate.

Mayor mentioned great job with the snow removal with this past storm, had staff members from other Department helping out over the weekend. Thanks to all.

MOTION by Trustee McLoud, seconded by Trustee Allison to authorize Resolution No 1-2018 Mileage Allowance beginning January 1, 2018 mileage will be \$.545. An increase from \$.535.

“WHEREAS the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties;

NOW THEREFORE BE IT RESOLVED:

1. The Board of Trustees of the Village of Penn Yan will authorizes reimbursement to such officers and employees at the rate of per mile as set forth in the IRS standard mileage table.
2. That this resolution is effective immediately.”

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 2-2018 Proposed Local Law to Establish New York State Tax Cap Waiver for 2018- 2019 Village Budget and set a Public Hearing for February 20th, 2018 at 6:00PM.

WHEREAS, New York State has mandated a **Two (2.00%) percent tax cap; and**

WHEREAS, the Village of Penn Yan does not anticipate exceeding the **Two (2.00%) percent tax cap; and**

WHEREAS, the New York State Tax Cap Law is complex to follow and includes significant penalties if all rules are not followed; and

WHEREAS, a waiver of the tax cap appears appropriate for the Village of Penn Yan under the circumstances; and

WHEREAS, the Board of Trustees intends to act as “Lead Agency” with respect to SEQRA issues related to this action.

NOW THEREFORE, BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan hereby determines that it is in the best interests of the residents and property owners of the Village of Penn Yan to waive the tax cap to ensure that the Village is not in violation of the tax cap law embodied in §3-c of the General Municipal Law.
2. The Board of Trustees designates itself as “Lead Agency” for SEQRA issues related hereto, determines that there will be no environmental impacts resulting from this action, therefore declares this to be a “Type II” action and accordingly no environmental review will be undertaken.
3. That a public hearing on the proposed Local Law is hereby scheduled for February 20, 2018 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

ATTORNEY:

Atty. Brockman explained the Planning Board recommend we consolidate three chapters and place them all under the Zoning Chapter. Atty. asked the board to review the Local Law and if any changes to contact him before next Board meeting.

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 7-2018 Proposed Consolidation and Amendment of Planning Board, Site Plan Review and Zoning Chapters of the Code of the Village of Penn Yan.

WHEREAS, the Village of Penn Yan has developed a Code containing regulations pertaining to numerous aspects of municipal government; and

WHEREAS, there are presently separate Chapters of the code with respect to the “Planning Board”, “Site Plan Review” and “Zoning”, and

WHEREAS, each of those separate chapters deal with land use regulations; and

WHEREAS, for the purposes of accessibility and continuity it appears that the “Planning Board” and “Site Plan Review” Chapters should be merged into the “Zoning” Chapter; and

WHEREAS, a number of amendments to the “Planning Board” and “Site Plan Review” provisions appears necessary; and

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

WHEREAS, the Board of Trustees intends to address SEQRA issues related thereto.

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 the adoption of such a

Local Law is an “Unlisted” action under SEQRA and preparation and review of an SEAF will be undertaken by the Board of Trustees; and be it further

RESOLVED, the Village attorney is directed to prepare a proposed SEAF with respect hereto for the consideration of the Board of Trustees at its February 20, 2018 meeting.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize and declare Car 1 as surplus and sell at fair market value.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize and declare Truck 8 as surplus and sell at fair market value.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Mayor MacKerchar, seconded by Trustee Allison to authorize to grant permission for Ben Sward and Mike Naylor to attend the NYWEA Advanced Primary Treatment and Nutrient Removal training session on February 23, 2018 at a cost of \$60.00 each.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee McLoud, seconded by Trustee Benedict to approve Utility Payment Agreements in the amount of \$5,564.20

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

FINANCE & ADMINISTRATION:

MOTION: by Trustee Benedict, seconded by Trustee Condella to pay current Village and Municipal bills as submitted.

AUDIT:

	Amount:
Paid Before Audit:	
General	28,059.83
Electric	267,112.06
Sewer	12,003.27
Water	8,550.09
Capital Projects	
Total Paid Before Audit	\$ 315,725.25
Current Audit:	
General	\$ 163,196.55
Community Development - CRC	-
Electric	75,849.42
Sewer	28,165.29
Water	18,438.56
Capital Projects	-
Trust & Agency	6.00
Total Current Audit Items	\$ 285,655.82
TOTAL AUDIT	\$ 601,381.07

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart

Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize the Sheppard Street Water Main replacement- CDBG project #895PW158-16 Warrant for \$4,717.09.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 3-2018 Budget Transfers for the 2017-2018 Fiscal Year for \$100.00. (Village Justice to reimburse for a \$100.00 counterfeit bill)

TO:			Fund
Account Id	Description	Date	Totals
A -1110-4-410	Village Justice-Contractual Services	100	
		<u>100</u>	
		General	100
		Electric	-
		Sewer	-
		Water	-
		-	<u>100</u>
FROM:			
Account Id	Description	Date	
A -1210-4-480	Mayor-Professional & Training	100	
		<u>100</u>	
		General	100
		Electric	-
		Sewer	-
		Water	-
			<u>100</u>

Budget transfer to Village Justice account using excess funds in Mayor's professional and training budget account. This transfer was necessary in order to have the Village reimburse the Justice bank account for a \$100 counterfeit bill that was passed to the Court. Report was filed with Police department and they seized the counterfeit bill. Court personnel are unable to determine the source of the counterfeit bill.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 4-2018 Budget Transfers for 2017-2018 Fiscal Year for \$3,200.00. (Police cost purchase three bullet proof vest to replace those that expire in January 2018)

TO:			Fund
Account Id	Description	Date	Totals
A -3120-2-200	Police-Equipment	2,600	
A -3120-4-413	Police-Uniform Maintenance	600	
		<u>3,200</u>	
		General	3,200
		Electric	-
		Sewer	-
		Water	-
		-	<u>3,200</u>
FROM:			
Account Id	Description	Date	
A -1325-4-470	Treasurer-Audit Fees	3,200	

3,200

General	3,200
Electric	-
Sewer	-
Water	-
	<u>3,200</u>

Budget transfer to Police cost center accounts for the purchase of three bullet proof vests to replace those that expire in January 2018, and to replenish the uniform maintenance account which is running over budget. This is being transferred from the Treasurer's account as there are excess funds which were budgeted for external audit work.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 5-2018 Budget Transfer for 2017-2018 Fiscal Year for \$1,500.00. (Transfer with in the pumping and purification center to accommodate higher than budgeted costs for maintenance contracts)

TO:			Fund
Account Id	Description	Date	Totals
EW-8320-4-419	Pumping & Purification-Maint Contracts	<u>1,500</u>	
		<u>1,500</u>	
			General -
			Electric -
			Sewer -
			Water <u>1,500</u>
		-	<u>1,500</u>

FROM:			
Account Id	Description	Date	
EW-8320-4-415	Pumping & Purification-Storage Fac/BH	<u>1,500</u>	
		<u>1,500</u>	
			General -
			Electric -
			Sewer -
			Water <u>1,500</u>
			<u>1,500</u>

Budget transfer within the pumping and purification cost center to accommodate higher than budgeted costs for maintenance contracts.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 6-2018 Budget Transfers for 2017-2018 Fiscal Year for \$3,000.00. (Transfer with in the sewer treatment cost center to cover higher than budgeted costs for polyaluminum chloride).

TO:			Fund
Account Id	Description	Date	Totals
ES-8130-4-520	Sewage Treatment-Flocculant (Alum)	<u>3,000</u>	
		<u>3,000</u>	
			General -
			Electric -
			Sewer <u>3,000</u>
		-	<u>-</u>

			<u><u>3,000</u></u>
FROM:			
Account Id	Description		Date
ES-8130-4-530	Sewage Treatment-Other Chemicals	<u>3,000</u>	
		<u>3,000</u>	
			General -
			Electric -
			Sewer 3,000
			Water -
			<u><u>3,000</u></u>

Budget transfer within the sewage treatment cost center to cover higher than budgeted costs for polyaluminum chloride.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

PERSONNEL:

MOTION by Trustee Stewart, seconded by Trustee McLoud to hire Shawn Searles a Contingent Permanent position as Water/Sewer Maintenance Worker, Group 5 Start at 21.17 per hour. This is contingent on the acceptance by Shawn, start date to be determined.

Discussion: Brent Bodine asked to have the motion changed. Would like the word Permanent changed to Provisional and this is contingent upon Shawn’s accepting the offer of the position. Brent did speak with Shawn this week he is still interested. Gary Meeks explained to Brent we reached out to Kerry at the Personnel Office for the correct wording and this is what she suggested – Contingent Permanent.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Stewart, seconded by Trustee Benedict to accept Jeff Dawes resignation as a part time Police Officer, effective immediately.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Stewart, seconded by Trustee Benedict to hire Brian Winslow as a part time Police Officer at a rate of \$18.00 per hour, effective 1/22/2018.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Stewart, seconded by Trustee Benedict to hire Corey Grace as a part time Police Officer trainee effective 2/12/2018 to attend the Finger Lakes Law Enforcement Academy at a rate of \$15.00 per hour.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Stewart, seconded by Trustee McLoud to hire Peter Skelly as a part time Police Officer trainee effective 2/12/2018 to attend the Finger Lakes Law Enforcement Academy at a rate of \$15.00 per hour.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for December

Discussion: Trustee Stewart asked if the Parking tickets issued totaling 38 for December for the time period for 2:00AM – 6:00AM is high. Chief Dunham responded not for this time of year.

MOTION by Trustee Allison, seconded by Trustee Benedict to declare the 2013 Ford Utility SUV surplus and be disposed of properly.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

FIRE DEPARTMENT:

Chief’s Report for December - Trustee Allison commented on end of year report. Great job by the Fire Department this past year with all of the calls.

MOTION by Trustee Allison, seconded by Trustee Condella Elect Kyle Sykes to the Hydrant Hose Company effective January 2, 2018.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Trustee Allison mentioned the sale date of the Gamewell boxes is set for Saturday January 27, 2018 8:00AM – Noon at the Fire House. Will be advertising with 1-2 pictures on Craig’s List, Lake to Lake Bulletin, and Chronicle Express and on the Chamber of Commerce Web site.

Trustee Allison stated Trustee Benedict, Fire Chiefs Mike Pedersen and Frank Ellis reviewed the LOSAP audit on January 12, 2018. Everything looking good.

CODE ENFORCEMENT:

PUBLIC WORKS:

No updates

PARKS & RECREATION:

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize the Peasantman Annual Triathlon to be held on August 19, 2018 at Indian Pines Park. Will allow the organizer to start to set up and take down from Thursday August 16 – Monday August 20th, 2018.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

PLANNING & DEVELOPMENT:

PLANNING BOARD:

Trustee Reeve mentioned making progress with the TAP grant. Atty. Brockman mentioned to Trustee Reeve and the Board he received notice from Keuka Abstract they are in the process of firming up the search for deeds for the Marsh area. Should know within a short time after researching them of any unknown deeds that have been uncovered. Trustee Reeve mentioned will wait to hear for your advice in order to move forward.

COMMENTS

EXECUTIVE SESSION:

At 6:25 PM, **MOTION** by Trustee Allison, seconded by Trustee McLoud to enter into Executive Session. Atty. Brockman and Brent Bodine to attend.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:16 PM, **MOTION** by Trustee Benedict, seconded by Trustee McLoud to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

ADJOURNMENT:

At 8:17 PM, **MOTION** by Trustee Allison, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: