

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 19, 2016, at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor L. MacKerchar; Trustees W. Allison: C. Benedict; C. 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 M. Hulse; CEO B. Lyon; Fire Chief M. Clancy

ABSENT: Trustee B. Church

News Media present: Gwen Chamberlain, Chronicle Express

Mayor MacKerchar asked for a moment of silence for Jerry Nissen who passed away this past weekend. Jerry was one our past Village Mayors' also was a Village Trustee and a Municipal Board member for a number of years. He will be sadly missed.

PUBLIC: Brian Zerges, Steve Knapp, Bill Laffin, Nathan Baker, Stefan Lewandowski, Virginia Penepent, James Tette, Karen Morris, Mark Morris, Josh Trombley, Patty O'Kelly, Don and Mary Zelazny

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

At 6:00 PM MOTION by Trustee Allison, seconded by Trustee Benedict to open the Public Hearing regarding Amending the Solid Waste Chapter of the Village Code with Respect to Discarded Household Furnishing and Fixtures

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

Mayor MacKerchar asked for any comment or concerns over the Public Hearing. No comments or concern.

At 7:00 PM MOTION by Trustee Christensen, seconded by Trustee Benedict to close the Public Hearing.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize Resolution No 3-2016 Adoption of Local Law Amending the Solid Waste Chapter of the village Code with Respect to Discarded Household Furnishing and Fixtures.

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency, designating the Local Law as a "Type II" action and therefore no environmental review will be undertaken: and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on January 19, 2016; and

WHEREAS, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law.
2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such Local Law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Benedict, seconded by Trustee Allison to authorize to have an Executive Session for a personnel issue.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MINUTES:

MOTION by Trustee Christensen, seconded by Trustee Benedict to approve the Village Board Minutes from December 15, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart

Nays 0 Abstain 0 Absent Church

GUESTS, PUBLIC REQUEST & COMMENTS:

Nathan Baker spoke regarding “The End Is Near St Patrick’s Day 2016 Event” for March 19, 2016. Mr. Baker is asking for permission to use the Wagener Street parking lot behind Keuka Restaurant again this year. He explained they made a few changes this year. The event will run from 5:00PM – 11:00PM. Doors will open at 4:00PM. Having a Country Band from 5:00PM – 7:00PM and a Classic Rock Band from 7:30PM – 9:30PM and a DJ from Finger Lakes Entertainment till 11:00PM. A beer trailer along with beer from local brewers will be present. Food will be present for purchase along with Tavern and Keuka Restaurants and other Restaurants will be open for the public. Mr. Baker mentioned were having a heated tent and will be fencing the area off as we did last year. Having security present to check ID’s and keeping things calm. Wrist bands will be provided for anyone over 21. Mr. Baker mentioned they will be speaking with Microtel and Best Western to see if they are able to help with a discount for out of town guest or people who would like to stay after the event. Mr. Baker is aware that he will need to fill out another agreement with the Village and he will be attending the next Public Safety meeting in February. Atty. Brockman asked if the Village Clerk could set up another pre meeting to go over the details of the event. Mr. Baker also mentioned he was approached by a parent (Julie Simmons) from the Senior Class they are looking into doing a 5K run that day. Trustee Allison explained if the senior class is interested in doing the 5K they need to contact the Village with details and approval.

MOTION by Trustee Reeve, seconded by Trustee Stewart to authorize the End Is Near St. Patrick’s Day event for Saturday, March 19, 2016 from 5:00pm – 11:00pm. To use the space subject to the legal agreements reviewed by the Village Attorney and the appropriate meetings are reviewed by Public Safety Committee and the Director of Public Works.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

Brian Zerges has purchased two properties next to the Best Western on Brown Street. Both were run down homes and he fixed both of these parcels up and would like to have them as a short term rental. At present he rents the houses out to college kids during winter months and has extended stay during summer months. He is in the business of rentals – he is asking the Village to look into changing the zoning to include short term rentals or to abandon the vacation law or have a variance (special use permit) for short term rentals. The Mayor will forward this on to the Planning & Development Committee. Trustee Reeve feels this needs to be reviewed, he will present it to the Planning & Development Committee along with guidance from the Village Attorney.

Trustee Stewart stated the Parks & Recreation Committee have discussed the issue of the Dog Park for the Village for the past few months. The 20/20 Vision Committee has come up with a MOU- Memorandum of Understanding. The Parks Committee had some concerns with liability issues and rules. Trustee Stewart mentioned the Village Board feels Indian Pines is not the right location. The Village Board knows the parcel of land on Cherry Street is bigger than Indian Pines. It’s located by the old sewer plant and feels it’s more appropriate. Trustee Allison stated this is already fenced in and parking and water are available. This area is also right off the Outlet Trail and in walking distance for Village Residents. Trustee Stewart would like to talk with Monroe and Tomkins Counties, both have Dog parks get ideas from them. 20/20 Vision will be doing fund raising for the Park. Trustee Reeves has spoken with Ralph Zergers about issues/concerns he had. Trustee Reeve stated we are eager to work with 20/20 on this project but Indian Pines is not a good location, he asked the 20/20 Vision to look at the Cherry Street site. Patty O’Kelly a new resident came from another small community out west she is very interested in helping out with the Dog Park. She is willing to get information from her former community to get information on how they got set up. She will share this information with the 20/20 Vision and Village Board. Trustee Allison mentioned the Village has discussed in past of ideas of what to do with that parcel of land at Indian Pines. After a lengthy discussion Mayor MacKerchar explained we are not opposed to the Dog Park feel Indian Pines is not the appropriate place for this and encourage them to look at the Cherry Street property. Trustee Stewart explained nothing is going to be decided tonight just letting people know we are talking about it.

Joseph Bartucca from Empire Enterprises, JKB, Inc explained they have demolished and clean up the property at 112 Clinton Street. He has all the necessary paper work for final payment. Asking if the appropriate people could sign off on it and if he would be able to get payment before next month. Bruce Lyon stated he has seen the property and looks good. Bruce will take paperwork and have the necessary people sign off on it.

Mr. James Tette (2463 County House Road) is asking the Village Board for approval to annex into the Village. Mr. Tette explained he has for several years had bad water and it’s gotten worse from the flood. He has spent thousands of dollars to get new water systems in and they are not working. Mr. Tette has already spoken with Brent Bodine and last week addressed the Municipal Board about the problem, also spoke with Pat Killen in the Town of Jerusalem. Atty. Brockman mentioned this is a long legal process we have to go through. Atty. Brockman cannot be his Atty. but will inform Mr. Tette the information he needs to get and do.

MAYOR:

MOTION by Trustee Christensen, seconded by Trustee Allison to authorize Resolution No 1-2016 Mileage Allowance beginning January 1, 2016 mileage will be \$0.54 (54 cents). A reduction from 57.5 cents.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Stewart to authorize Resolution No 2-2016 Proposed Local Law to Establish NYS Tax Cap Waiver for 2016 and set a Public Hearing for February 16, 2016 at 6:00PM.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

ATTORNEY:

Local Law A 2016 Senior Citizen Real Property Tax Assessment Age Exemption Eligibility

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 4-2016 Regarding SEQRA Matters and Setting a Public Hearing for February 16, 2016 at 6:05 PM, Pertaining to Proposed Amendment to Senior Citizen Tax Assessment Exemption Law.

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider adoption of a Local Law amending income levels for senior citizen real property tax assessment exemptions; 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 therefore such adoption may be deemed a Type II Action pursuant to SEQRA; and

WHEREAS, a draft Local Law has been prepared and circulated to the Village Board of Trustees as proposed Local Law A of 2016;

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 determines that the adoption of this Local Law will not result in any adverse environmental impact and therefore is a Type II Action under SEQRA and accordingly no environmental review will be undertaken; and be it further

RESOLVED, that a public hearing on said proposed Local Law A of 2016 is hereby scheduled for February 16, 2016 at 6:05 p.m. and that legal notice thereof be made.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Reeve, seconded by Trustee Allison to authorize Resolution No 20-2016 Regarding Annexation of Territory To the Village of Penn Yan and SEQRA Review.

WHEREAS, the Village of Penn Yan is seeking annexation of lands which it previously acquired for development of an extension of Elmwood Avenue to Himrod Road; and

WHEREAS, the Town Board of the Town of Milo is expected to adopt a resolution approving such annexation, a copy of which will be filed with the Village Clerk; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as “Lead Agency” for the purposes of the review of this annexation under the provisions of SEQRA.

Now Therefore, Be It Resolved that:

1. 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.
2. That the Board of Trustees of the Village of Penn Yan determines that the proposed amendment to the Zoning Chapter is an “Unlisted Action” under SEQRA.
3. That the Village Attorney draft a Local Law to implement such annexation and prepare Part 1. of a Short Environmental Assessment Form (SEAF) with respect thereto

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Reeve, seconded by Trustee Christensen to authorize a Public Hearing for February 16, 2016 at 6:10PM for the Local Law to implement a SEAF for Annexation of Elmwood Ave. to Himrod Road.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Christensen **to** authorize the Mayor to sign the Pole Attachment Agreement with NYSEG.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize a Notice of Award be issued Wesco in the amount of \$6,631.00 for a one week rental of a reconditioned Westinghouse ground and test device for 50DHP250, 1200A, 3 bushing style.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Mayor to execute the Grant Agreement with NYS Environmental Facilities Corporation for the Village of Penn Yan Wastewater Engineering Study.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize Resolution No 16-2016 - Authorizing a representative to sign documents affiliated with the NYS Environmental Facilities Corporation for the Wastewater Engineering Planning Grant Agreement.

Whereas, the Village of Penn Yan has been awarded a Wastewater Engineering Planning Grant #56740 to support a Wastewater Engineering Study project that would identify actions that will correct deficiencies in the Village's wastewater collection facilities; and

Whereas, the Village of Penn Yan must execute an agreement with the NYS Environmental Facilities Corporation to access and utilize grant funds for the Wastewater Engineering Study;

NOW, THEREFORE, BE IT:

RESOLVED that Village Mayor Leigh MacKerchar is authorized to execute a Grant Agreement with the NYS Environmental Facilities Corporation and any and all other contracts, documents and instruments necessary to bring about the Project and to fulfill the Village of Penn Yan's obligations under the Wastewater Engineering Planning Grant Agreement.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize Resolution No 17-2016 – The SEQR is a Type II action which does not required action according to 6 NYCRR Section 617.5 for the Wastewater Engineering Study.

Whereas, 6 NYCRR Section 617.5 (Title 6 of the New York Code of Rules and Regulations) under the State Environmental Quality Review Act (SEQR) provides that certain actions identified in subdivision (c) of that section are not subject to environmental review under the Environmental Conservation Law; and

Whereas, the Village of Penn Yan has been awarded a Wastewater Engineering Planning Grant #56740 to support a Wastewater Engineering Study project that would identify actions that will correct deficiencies in the Village's wastewater collection facilities;

NOW, THEREFORE, BE IT:

RESOLVED that the Village Board of the Village of Penn Yan hereby determines that the proposed Village of Penn Yan Wastewater Engineering Study which constitutes the collection of basic data and research, and conduct of concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning necessary to the formulation of a proposal for action is a Type II action in accordance with 6 NYCRR Section 617.5(c)(18 & 21) and is therefore not subject to review under 6 NYCRR Part 617.

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize Resolution No 18-2016 - Authorizing and appropriating of Local match (20% local match), the Village of Penn Yan shall not exceed \$7500 based upon a total estimated maximum project cost of \$37,500 for the Wastewater Engineering Project.

Whereas, the Village of Penn Yan has been awarded a Wastewater Engineering Planning Grant #56740 to support a Wastewater Engineering Study project that would identify actions that will correct deficiencies in the Village’s wastewater collection facilities; and

Whereas, the Village of Penn Yan must provide a minimum local match of \$7,500 to enjoy benefit of the maximum grant award of \$30,000 from the NYS Environmental Facilities Corporation;

NOW, THEREFORE, BE IT:

RESOLVED that the Village of Penn Yan authorizes and appropriates a minimum of 20% local match as required by the Engineering Planning Grant Program for the Village of Penn Yan Wastewater Engineering Study project. Under the Engineering Planning Grant Program, this local match must be at least 20% of the total project cost. The maximum local share appropriated subject to any changes agreed to by the Mayor of the Village of Penn Yan shall not exceed \$7500 based upon a total estimated maximum project cost of \$37,500. The Mayor of the Village of Penn Yan may increase this local match through the use of in kind services without further approval from the Village of Penn Yan.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the Mayor signs the contract agreement with Elliott Engineering Solutions in an amount not to exceed \$25,000.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize permission to go out for bid for the following Village Materials for fiscal year 2016-2017, as needed:

- Hauling of Liquid Sludge Survey Services Vehicle Servicing
- Chemicals Tree Trimming Hauling of Biosolids

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize sharing the cost of installing the fence at the Patchett property among MUB (water, electric, and sewer funds) and the Village which would roughly be about \$10,000 and it would be added to the budget for fiscal year 2016-2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Christensen to approve Utility Payment Agreements in the amount of \$11,090.81

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	26,318.84
Electric	217,783.13
Sewer	7,192.78
Water	7,243.97
Capital Projects	
Total Paid Before Audit	\$ 258,538.72
Current Audit:	
General	\$ 43,592.78
Community Development - CRC	-
Electric	84,211.39
Sewer	218,294.85
Water	17,525.22
Capital Projects	-
Total Current Audit Items	\$ 363,624.24
TOTAL AUDIT	\$ 622,162.96

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 5-2016 Budget Transfers for 2015-2016 Fiscal Year for \$52.00.

TO:

Account Id	Description	Date	Fund Totals
A -1110-4-450	Village Justice-Computer Service	<u>52</u>	
		<u>52</u>	
		General	52
		Electric	-
		Sewer	-
		Water	-
		-	<u>52</u>

FROM:

Account Id	Description	Date	
A -1110-4-500	Village Justice-Supplies & Materials	<u>52</u>	
		<u>52</u>	
		General	52
		Electric	-
		Sewer	-
		Water	-
		-	<u>52</u>

Budget transfer to cover the cost of annual courtroom software license renewal that was slightly higher than budgeted.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 6-2016 Budget Transfers for 2015-2016 Fiscal Year for \$811.00.

Account Id	Description	Date	Totals
A -1325-4-410	Treasurer-Contractual Services	718	
A -1325-4-500	Treasurer-Supplies and Materials	3	
A -1325-4-510	Treasurer-Computer Supplies	<u>90</u>	
		<u>811</u>	
		General	811
		Electric	-
		Sewer	-
		Water	-
		-	<u>811</u>

FROM:

Account Id	Description	Date	
A -1325-4-450	Treasurer-Computer Services	739	
A -1325-4-480	Treasurer-Prof Fees/Publications	<u>72</u>	
		<u>811</u>	
		General	811
		Electric	-
		Sewer	-
		Water	-
		-	<u>811</u>

Budget transfer due to higher than expected contractual services costs and small over runs in supplies accounts.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 7-2016 Budget Transfers for 2015-2016 Fiscal Year for \$1,500.00.

TO:			Fund
Account Id	Description	Date	Totals
A -1622-4-410	Firehouse-Contractual Services	<u>1,500</u>	
		<u>1,500</u>	
		General	1,500
		Electric	-
		Sewer	-
		Water	-
		-	<u>1,500</u>
FROM:			
A -1622-4-500	Firehouse-Supplies & Materials	<u>1,500</u>	
		<u>1,500</u>	
		General	1,500
		Electric	-
		Sewer	-
		Water	-
			<u>1,500</u>

Budget transfer to cover over run in contractual services account offset by under run in supplies and materials.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 8-2016 Budget Transfers for 2015-2016 Fiscal Year for \$2,000.00.

TO:			Fund
Account Id	Description	Date	Totals
A -3120-4-411	Police-Vehicle Repairs	<u>2,000</u>	
		<u>2,000</u>	
		General	2,000
		Electric	-
		Sewer	-
		Water	-
		-	<u>2,000</u>
FROM:			
Account Id	Description	Date	
A -3120-4-412	Police-Gas & Oil	<u>2,000</u>	
		<u>2,000</u>	
		General	2,000
		Electric	-
		Sewer	-
		Water	-
			<u>2,000</u>

Budget transfer to cover higher than budgeted vehicle repair costs with offset to gas and oil account which is underrunning due to fuel prices.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 9-2016 Budget Transfers for 2015-2016 Fiscal Year for \$1,000.00.

TO:			Fund
Account Id	Description	Date	Totals
A -3410-4-414	Fire-Equipment Repairs	<u>1,000</u>	
		<u>1,000</u>	
		General	1,000
		Electric	-
		Sewer	-

			Water	-
			-	<u>1,000</u>
FROM:				
Account Id	Description		Date	
A -3410-4-530	Fire-Fire Equipment	1,000		
		<u>1,000</u>		
			General	1,000
			Electric	-
			Sewer	-
			Water	-
				<u>1,000</u>

Budget transfer to cover higher than anticipated equipment repairs with offset being lower planned spend for fire equipment.

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 10-2016 Budget Transfers for 2015-2016 Fiscal Year for \$100.00.

TO:				Fund
Account Id	Description		Date	Totals
A -3620-4-450	Safety Inspections-Computer Services	85		
A -3620-4-500	Safety Inspections-Supplies and Materials	15		
		<u>100</u>		
			General	100
			Electric	-
			Sewer	-
			Water	-
				<u>100</u>

FROM:				
Account Id	Description		Date	
A -3620-4-480	Safety Inspections-Prof Fees/Publication	100		
		<u>100</u>		
			General	100
			Electric	-
			Sewer	-
			Water	-
				<u>100</u>

Budget transfer to cover small over runs in computer services and supplies.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 11-2016 Budget Transfers for 2015-2016 Fiscal Year for \$91.00.

TO:				Fund
Account Id	Description		Date	Totals
A -7140-4-520	Parks & Recreation-Lifeguard/Beach Supplies	75		
A -8810-4-510	Cemetery-Computer Supplies	16		
		<u>91</u>		
			General	91
			Electric	-
			Sewer	-
			Water	-
				<u>91</u>

FROM:				
Account Id	Description		Date	
A -7140-4-420	Parks & Recreation-Phone/Internet/Utility	75		
A -8810-4-450	Cemetery-Computer Service and Supplies			16
		<u>91</u>		
			General	91
			Electric	-
			Sewer	-
			Water	-
				<u>91</u>

Budget transfers to cover small over run in costs for Parks and Recreation lifeguard supplies and Cemetery computer supplies.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 12-2016 Budget Transfers for 2015-2016 Fiscal Year for \$5,000.00.

TO:			Fund
Account Id	Description	Date	Totals
A -8760-4-500	Emergency Disaster - Supplies and Materials	5,000	
		<u>5,000</u>	
			General 5,000
			Electric -
			Sewer -
			Water -
		-	<u>5,000</u>
FROM:			
Account Id	Description	Date	
A -8760-4-410	Emergency Disaster - Contractual Services	5,000	
		<u>5,000</u>	
			General 5,000
			Electric -
			Sewer -
			Water -
			<u>5,000</u>

Budget transfer to accommodate actual costs for supplies and materials that were originally budgeted in contractual services (trash rack at school being done in-house instead of being contracted out).

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 13-2016 Budget Transfers for 2015-2016 Fiscal Year for \$1,270.00.

TO:			Fund
Account Id	Description	Date	Totals
A -9089-8-800	Employee Benefits-FLEX/MRA	1,198	
ES-9089-8-810	Employee Benefits-FLEX/MRA	72	
		<u>1,270</u>	
			General 1,198
			Electric -
			Sewer 72
			Water -
		-	<u>1,270</u>
FROM:			
Account Id	Description	Date	
A -9060-8-800	Employee Benefits-Health Insurance	1,198	
ES-9060-8-800	Employee Benefits-Health Insurance	72	
		<u>1,270</u>	
			General 1,198
			Electric -
			Sewer 72
			Water -
			<u>1,270</u>

Budget transfers due to higher than budgeted Flex/MRA expenses, with reduction coming in health insurance premiums which will be lower than budgeted due to change in health care plans.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 14-2016 Budget Transfers for 2015-2016 Fiscal Year for \$3,131.00.

TO:

Account Id	Description	Date	Fund Totals
ES-8110-4-500	Administration-Supplies & Materials	1,000	
ES-8110-4-510	Administration-Computer Supplies	75	
ES-8120-4-410	Sanitary Sewer-Contractual Service	500	
ES-8120-4-416	Sanitary Sewer-Maintenance Meters	556	
ES-8130-4-400	Sewage Treatment-Engineering	1,000	
		<u>3,131</u>	
			General -
			Electric -
			Sewer 3,131
			Water -
			<u>3,131</u>

FROM:

Account Id	Description	Date	Fund Totals
ES-8110-1-150	Administration-Meter Reader/Utility Service Worker		702
ES-8110-4-430	Administration-Insurance	154	
ES-8110-4-470	Administration-Audit Fees	219	
ES-8120-4-412	Sanitary Sewer-Gas & Oil	1,056	
ES-8130-4-412	Sewage Treatment-Gas & Oil	248	
ES-8130-4-430	Sewage Treatment-Insurance	424	
ES-8130-4-470	Sewage Treatment-Audit Fees	328	
		<u>3,131</u>	
			General -
			Electric -
			Sewer 3,131
			Water -
			<u>3,131</u>

Budget transfers within sewer fund accounts to account for over run in administration supplies and materials and computer supplies, sanitary sewer contractual services and maintenance on meters, and sewage treatment engineering. Corresponding reductions made in meter reader costs, insurance, audit fees, and gas and oil expenses, all of which are expected to under run the budget.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution 15-2016 Budget Transfers for 2015-2016 Fiscal Year for \$300.00.

TO:

Account Id	Description	Date	Fund Totals
EW-8320-4-413	Pumping & Purification-Fees & Permits	100	
EW-8340-4-410	Transmission & Distr-Contracted Services	200	
		<u>300</u>	
			General -
			Electric -
			Sewer -
			Water 300
			<u>300</u>

FROM:

Account Id	Description	Date	Fund Totals
EW-8320-4-412	Pumping & Purification-Gas & Oil	100	
EW-8340-4-412	Transmission & Distr-Gas & Oil	200	
		<u>300</u>	
			General -
			Electric -
			Sewer -
			Water 300
			<u>300</u>

Budget transfer to cover higher than budgeted costs for fees and permits and contractual services, with corresponding reductions in gas and oil expense which is underrunning due to low fuel prices.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Reeve to authorize payment before warrant to Empire Enterprises, JKB, Inc (Joseph Bartucca) in the amount of \$26,880.00 if all approved by Bob Elliott, Bruce Lyon & Brent Bodine.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

PERSONNEL:

MOTION by Trustee Benedict, seconded by Trustee Reeve to accept James Peters, line worker resignation, effective December 18, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Reeve authorizing the reinstatement of Jef Bodine to line worker effective 1-20-2016. Group 8, Step 22, \$27.61 per hour.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Reeve to accept Jef Bodine's resignation as Crew Chief effective 1-20-2016.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Benedict, seconded by Trustee Reeve authorizing the creation of the position of Deputy-Clerk Treasurer, an appointed position with a two year term, and authorizing the Clerk-Treasurer to proceed with advertising and recruiting to fill the position.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

PUBLIC SAFETY:

POLICE DEPARTMENT:

FIRE DEPARTMENT:

Monthly Fire Department report

Trustee Christensen mentioned the change in the Penn Yan Fire Department motor vehicle accident response policy. Effective January 6, 2016 they will be dispatched to personal injury motor vehicle accidents. Will continue to respond to request for lifting assistance, CPR and respiratory arrest emergencies.

MOTION by Trustee Christensen, was not seconded to authorize the Mayor signs the REVISED one year agreement with Keuka Fire and Safety for equipment inspections for the Village of Penn Yan, effective June 1, 2016 – May 31, 2017.

Discussion: Trustee Christensen questioned which part of the agreement is the revised/amended portion. After a brief discussion it was decided to have Trustee Christensen withdraw her initial Motion. Trustee Benedict was able to show last month's copy to the Mayor and after reviewing it was clarified as the new portion is all under the List of Possible Service. The total amount is still the same amount of \$606.75.

MOTION by Trustee Christensen, seconded by Trustee Stewart to authorize the Mayor signs the REVISED one year agreement with Keuka Fire and Safety for equipment inspections for the Village of Penn Yan, effective June 1, 2016 – May 31, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

Trustee Christensen on Friday January 8th, 2016 reviewed the Audit for LOSAP. All looked good and report is at the Village Office if Board members need to see it. Chief Clancy commented Chief Ellis and Pedersen did a terrific job keeping up on the information and inputting it. Chief Clancy mentioned the \$21,000 grant has been submitted, should hear something within 6-9 months. Gary informed Chief Clancy today he received \$5,000 for air pack equipment.

Trustee Allison mentioned the possibility the Fire Department will have a parade this year but with a different parade route, looking at ending up in the downtown area. There will be no rides this year. This will need to be discussed further and reviewed with Chief Hulse.

CODE ENFORCEMENT:

MOTION by Trustee Christensen, seconded by Trustee Reeve to authorize Bruce Lyon to attend the Solar PV Permitting and Inspection Methods Training on February 25, 2016 in Waterloo, NY. No cost for meeting only mileage.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize to go out for Bids on the following Village Materials for 2016- 2017:

- | | |
|-----------------------------|-------------------------------|
| Ready Mix Concrete | Tree Trimming |
| Hot Mix Bituminous | Hauling of Materials |
| Hauling of Household Debris | Sidewalk Snow and Ice Removal |
| Cemetery Foundation Work | Vehicle Servicing |
| Survey Services | |

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the Mayor and Attorney to sign Supplement Agreement (FHWA) Federal High Way Administration Agreement with the NYSDOT. (repairs for East Elm Street and North Ave.)

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize Resolution No 19-2016 Authorizing the implementation and funding for the above mention FHWA Agreement.

WHEREAS, a Project for the ER Repairs on East Elm Street and North Avenue in the Village of Penn Yan, Yates County (NY 14-01), P.I.N. 6E14.01 (the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 100% Federal funds for Emergency Repairs and 80% Federal funds and 20% non-federal funds for Permanent Repairs; and

WHEREAS, the Village of Penn Yan desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of ER Repairs on East Elm Street and North Avenue in the Village of Penn Yan, Yates County (NY14-01).

NOW, THEREFORE, the Penn Yan Village Board, duly convened does hereby

RESOLVE, that the Penn Yan Village Board hereby approves the above-subject; and it is hereby further

RESOLVED, that the Penn Yan Village Board hereby authorizes the Village of Penn Yan to pay in the first instance 100% of the federal and non-federal share of the cost of Permanent and emergency Repair Construction phase work for the Project or portions thereof; and it is further

RESOLVED, that the sum of \$82,883.00 is hereby appropriated from General Fund [or, appropriated pursuant to _____] and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above; the Village Board of the Village of Penn Yan shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof, and it is further

RESOLVED, that the Mayor of the Village of Penn Yan be and is here by authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the Village of Penn Yan with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal –aid and state –aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESLOVED, that a certified copy of this resolution be filed with New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project, and it is further

RESOLVED, this Resolution shall take effect immediately.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

PARKS & RECREATION:

Trustee Stewart mentioned the Sweet Arrow Anglers from Pine Grove Pa. to use the Penn Yan boat launch for a Bass Tournament on Saturday September 17th and Sunday September 18th from safe light and run 8 hours. Approximately 8-12 boats.

MOTION by Trustee Stewart, seconded by Trustee Reeve to authorize the 9th Annual Keuka Arts Festival to be held on June 11 and 12th, 2016.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

Trustee Stewart mentioned there is a conflict with the open hours of the parks and snowmobiles hours. The Code has snowmobiles are not on the Outlet Trail from 11:00PM – 6:00AM. We did not review the snowmobiles section when we revised the hours of the parks and any exception to the hours which should have included the snowmobiles. Trustee Stewart feels this needs to be reviewed. Atty. Brockman will have to review the code before anything can be decided on.

PLANNING & DEVELOPMENT:

Trustee Reeve stated they are reviewing items with the State law and will discuss with Atty. Brockman.

PLANNING BOARD:

Trustee Reeve mentioned have had good meeting nothing to update.

COMMENTS

EXECUTIVE SESSION:

At 7:50 PM, **MOTION** by Trustee Allison, seconded by Trustee Christensen to enter into Executive Session.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:17 PM, **MOTION** by Trustee Christensen, seconded by Trustee Allison to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

ADJOURNMENT:

At 8:18 PM, **MOTION** by Trustee Christensen, seconded by Trustee Allison to adjourn the regular Village Board meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent Church

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: