

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 20, 2015 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Deputy Mayor W. Allison; Trustees 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 B. LaRock

ABSENT: Mayor MacKerchar, Trustee B. Church; Fire Chief J. Housel

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: Fred Smith with Safe Harbors, Mark Morris, Josh Trombley, Shari Brodmann, Stefen Lewandowski and Nate Baker

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Christensen, seconded by Trustee Reeve to authorize to have an Executive Session to discuss legal contracts.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

6:00PM PUBLIC HEARING – Recreation Commission Chapter 27

At 6:00PM Deputy Mayor opened the Public Hearing for the Adoption of Local Law to repeal the Recreation Commission Chapter of the Code of the Village of Penn Yan.

Deputy Mayor Allison asked if anyone had any comments or concerns regarding the Recreation Commission Chapter of the Code. No public comments or concerns.

At 6:01PM **MOTION** by Trustee Christensen, seconded by Trustee Benedict to authorized close the Public Hearing

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Stewart, seconded by Trustee Benedict to authorize Resolution No 10-2015 Adoption of Local Law to repeal the Recreation Commission Chapter of the Code of the Village of Penn Yan.

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 was undertaken: and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on January 20, 2015; and

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

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 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

6:05PM PUBLIC HEARING – Parks and Playgrounds

At 6:05 PM Deputy Mayor opened the Public Hearing for Parks & Playgrounds Chapter 132 adoption of Local law Amending the Parks & Playgrounds of the code of the Village of Penn Yan.

Deputy Mayor Allison asked if anyone had any comments or concerns regarding the Parks & Playground Chapter of the Code. No public comments or concerns.

At 6:06PM **MOTION** by Trustee Christensen, seconded by Trustee Benedict to close the Public Hearing.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Stewart, seconded by Trustee Benedict to authorize Resolution No 11-2015 Adoption of Local Law Amending the Parks & Playgrounds Chapter of the code of the Village of Penn Yan.

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 20, 2015; 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.

Discussion: Trustee Stewart explained the changes in the Village Code for Parks & Playgrounds, we added new names for Village playgrounds (Hutton Street, men’s slo-pitch field (Howard Street), Elm Street Sports Complex and the Boat Launch) and deleted ones we do not have any longer, this is the same for Village Ball Parks (Red Jacket, Indian Pines, Keuka Street Boat Launch, Lake Street, Mini Park on Main Street, Fireman’s Field, Angler Boat, Elm Street Sports Complex and Keuka Outlet Trail). Each year the Board will decide on the times for the Parks opening. Change to include no animals except for guide dogs in all swimming areas and beaches. After a brief discussion it was decided to change the wording of guide dog to service animal.

Trustee Stewart and Trustee Benedict amend their previous **MOTION** to authorize Resolution No 11-2015 Adoption of Local Law Amending the Parks & Playgrounds Chapter of the code of the Village of Penn Yan and change the wording in section 132-6-G from guide dogs to service animal.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

Discussion: Atty. Brockman questioned the ball field at Indian Pines Park wondered is this part of the Village. Brent explained this is already part of Indian Pines Park. Atty. Brockman asked if a Motion could be made to designate the ball field be part of the park.

MOTION by Trustee Stewart, seconded by Trustee Benedict to designate the ball field at Indian Pines be part of the Indian Pines Park.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MINUTES:

MOTION by Trustee Stewart, seconded by Trustee Christensen to approve the Village Board Minutes from December 16, 2014.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

GUESTS, PUBLIC REQUEST & COMMENTS:

Safe Harbors – Fred Smith, President of the Board of Directors Thanked the Board, Police Department and merchants who have given us support throughout the years. The Fire Department has helped with Shine our Lights campaign each year. He explained the brochure and services Safe Harbors of the Finger Lakes offers to Yates, Seneca and Ontario Counties. We serve the needs of women and child who are victims involving Sexual Assault, family and intimate Partner Violence etc. Mr. Smith emphasized the programs are free and we are the only agencies that have NYS Certified employees that can provide rape crisis services. Mr. Smith explained we want people to know these services are available to them and encourage them to call if need to. Deputy Mayor Thanked Mr. Smith and Safe Harbors of the Finger Lakes for all they do.

Stefan Lewandowski, Josh Trombley, Nick Baker and Shari Brodmann are requesting permission from the Board to hold an End is Near Winter music event on Saturday March 14th, 2015 from 11:00AM -10:00PM with music starting at Noon in the parking lot behind the Keuka Restaurant. Mr. Lewandowski attended last week’s Public Safety meeting to discuss this event, and they were fine with the event. They are looking tonight to secure the

date for the event and have the back parking lot closed off. They have (5) verbals for tentative bookings, also are looking to drive traffic to the downtown area and give the merchants a boost for the winter. Will have a tent in the back parking lot and charge \$10.00 per person. Having food vendors there and the Keuka Restaurant will be getting necessary permits for the open container law. The music committee has spoken with the other two restaurants owners (Tavern and MVP Sports Bar) and they are on board with the event. Chief Hulse has no problems at this time with the event. Brent Bodine explained we do have some details to work out and Atty. Brockman is asking to have a meeting with the three Restaurants owners, Brent, Bruce, Chief Hulse and a couple of Trustees to work on other details. Chief Hulse mentioned Josh is aware of the permit(s) he needs they are the same as the Arts Festival and Peasantman events. The Village Clerk will set up the meeting. The Board will review the details at February’s Village Board meeting next month.

MOTION by Trustee Christensen, seconded by Trustee Stewart to approve and move forward of the End is Near Music event on March 14, 2015 from 11:00AM – 10:00PM.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize the Keuka Arts Festival to hold there festival on June 13 & 14, 2015 at the Village Boat Launch and along the Outlet.

Discussion: Trustee Reeve questioned if any problems with last year’s event and be sure permits are in place. Chief Hulse had no problems with the event last year and Brent explained this is the first step for the event and he will be meeting with them to discuss the festival and anything new. Will have the Festival sign the proper permits as they did last year. Atty. Brockman asked if the motion could be amended to read “subject to an agreement being reached with the Arts Festival which is accepted with legal counsel and DPW-Chief of Police- and the Mayor.

Amend **MOTION** by Trustee Benedict, seconded by Trustee Christensen to authorize the Keuka Arts Festival to hold there festival on June 13 & 14, 2015 at the Village Boat Launch and along the Outlet Trail and subject to an agreement being reached with the Arts Festival which is accepted with legal counsel and DPW-Chief of Police- and the Mayor.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Reeve, seconded by Trustee Stewart to authorize Leggett’s Creek Bass master fishing club from PA to use the PY Boat Launch on August 1, 2015 from safe light (6:00AM - 3:00PM). Approximately 15 boats.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MAYOR:

Deputy Mayor explained Justice Hibbard is retiring June 1st and if anyone is interested in the position Mayor MacKerchar has asked to please forward a letter of interest in taking over the Justice position to the Mayor. Mayor MacKerchar is looking to have someone in there by March/April to start learning. They will fill out the remaining of his term and will run in the March 2016 Village Elections.

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize Resolution No 1-2015 Mileage Allowance (beginning January 1 it will be . 575).

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 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

ATTORNEY:

MOTION by Trustee Christensen, seconded by Trustee Stewart to authorize Resolution No 2-2015 Proposed Local Law to Establish New York State Tax Cap Waiver for 2015 and set a Public Hearing for February 17, 2015 at 6:00PM.

WHEREAS, New York State has mandated a One and 68/100 (1.68%) percent tax cap for 2015 for municipal budgets; and

WHEREAS, the Village of Penn Yan does not anticipate exceeding the One and 68/100 (1.68%) 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 therefrom, 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 17, 2015 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

COMMUNITY REVITALIZATION:

No update

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize to go out for Bid for an additional 300kva Padmount Transformer.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Mayor to execute the Supplemental Contract Agreement with the DOT.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize to go out for Bid for General Electrical Support for Fiscal Year 2015-2016.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize to go out for Bid to do an updated Arc Flash Study.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize to go out for Bids on the following Village Materials for 2015:

- | | | | |
|-----------|---------------|-----------------------|--------|
| Chemicals | Tree Trimming | Hauling Liquid Sludge | Survey |
|-----------|---------------|-----------------------|--------|

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize and issue a Notice of Award to Randsco Pipeline in the amount of \$627,692.00 for the Lake Street Water Main Improvements.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize to go out for Bid for lining of manholes.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Christensen to approve Utility Payment Agreements in the amount of \$11,313.07

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	-
Electric	262,241.91
Sewer	509.20
Water	9,879.18
Capital Projects	
Total Paid Before Audit	\$ 262,751.11
Current Audit:	
General	\$ 45,962.91
Community Development - CRC	-
Electric	46,122.10
Sewer	53,132.67
Water	17,850.40
Capital Projects	-
Total Current Audit Items	\$ 163,068.08
TOTAL AUDIT	\$ 425,819.19

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize Resolution No 3 – 2015 BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PENN YAN, YATES COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE VILLAGE TO UNDERTAKE CERTAIN INFRASTRUCTURE IMPROVEMENTS RELATED TO THE PENN YAN WATERFRONT REVITALIZATION/REDEVELOPMENT PROJECT AT A MAXIMUM COST OF \$980,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$703,825 IN SERIAL BONDS OF THE VILLAGE TO FINANCE A PORTION OF SAID APPROPRIATION

WHEREAS, the Board of Trustees (the “Board”) the Village of Penn Yan, Yates County, New York (the “Village”) proposes to undertake certain infrastructure improvements related to the Penn Yan Waterfront Revitalization/Redevelopment Project (the “Waterfront Project”) consisting of (i) improvements to the Village’s existing water system consisting of the replacement of the existing water main along Lake Street between Liberty Street and the existing 10” water main on Mace Street and the installation of 500 linear feet of new water main between Mace Street and Hicks Street and (ii) the construction of approximately 800 linear feet of paved open space trail between the end of Monel Street and the former Penn Yan Marine Manufacturing Corporation property along the Keuka Outlet, all at an estimated maximum cost of \$980,000 (collectively, the “Project”) and to authorize the issuance of \$703,825 in serial bonds of the Village to finance a portion of the cost of the Project; and

WHEREAS, by Resolution 88-2014, dated December 16, 2014, the Board determined that (i) the actions and improvements within the Waterfront Project of which the Project is a part, constitutes a “Type I” action pursuant to the provisions of the New York State Environmental Quality Review Act and the regulations promulgated thereunder (6 NYCRR Part 617.5(c)) (collectively, “SEQRA”), (ii) the Village Board has acted as lead agency for purposes of conducting a coordinated review of the Project for purposes of SEQRA, and (iii) the Project will not result in any significant adverse environmental impacts and directed that a “negative declaration” under SEQRA be prepared to such effect; and

WHEREAS, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village’s serial bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF PENN YAN, YATES COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), AS FOLLOWS:

SECTION 1. The Village is hereby authorized to issue \$703,825 principal amount of serial bonds pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of undertaking certain infrastructure improvements related to the Penn Yan Waterfront Revitalization/Redevelopment Project (the "Waterfront Project") consisting of (i) improvements to the Village's existing water system consisting of the replacement of the existing water main along Lake Street between Liberty Street and the existing 10" water main on Mace Street and the installation of 500 linear feet of new water main between Mace Street and Hicks Street and (ii) the construction of approximately 800 linear feet of paved open space trail between the end of Monel Street and the former Penn Yan Marine Manufacturing Corporation property along the Keuka Outlet. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$980,000, said amount is hereby appropriated therefor, and the plan for the financing thereof shall consist of (i) the expenditure of \$276,175 in current funds of the Village, (ii) the issuance of up to \$703,825 in serial bonds of the Village authorized to be issued pursuant to this resolution, or bond anticipation notes issued in anticipation of such serial bonds, to finance said appropriation, (iii) the partial repayment of such bonds or bond anticipation notes with \$490,000 in grant monies expected to be received by the Village from the New York State Department of State with respect to the Project (the "DOS Grant"), and (iv) to the extent not repaid with the proceeds of the DOS Grant, the levy and collection of taxes on all the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 2. It is hereby determined that the period of probable usefulness of the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivisions 4, 19(c) and 91 of paragraph a. of Section 11.00 of the Law.

SECTION 3. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 4. The final maturity of the bonds herein authorized to be issued shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued pursuant to this resolution.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Village Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Treasurer, as the chief fiscal officer of the Village (the "Treasurer"). Such notes shall be of such terms, form and contents as may be prescribed by said Treasurer consistent with the provisions of Local Finance Law. Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to issue and sell bonds or bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law is hereby delegated to the Village Treasurer. Such bonds or notes shall be of such terms, form and contents as may be prescribed by said Treasurer consistent with the provisions of the Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for any of the other objects or purposes authorized by this resolution and/or with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Treasurer, as the chief fiscal officer of the Village.

SECTION 7. The Village Treasurer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the Rural Development and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, a statutory installment bond and/or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 8. The Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The intent of this resolution is to give the Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 11. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the "Village Law"). The Village Clerk is authorized and directed, within ten (10) days after the date of adoption of this resolution by the Board of Trustees, to post and publish a notice with respect to this resolution satisfying the requirements of Section 9-900 of the Village Law, which shall set forth the date of adoption of this resolution, shall contain an abstract hereof, and shall specify that this resolution was adopted subject to a permissive referendum. Such notice shall be published in the official newspaper of the Village for such purposes.

SECTION 12. In accordance with the Village Law, this resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) of the qualified electors of the Village, as shown on the Village's register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

SECTION 13. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

(a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or

(b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 14. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

Deputy Mayor called for a roll call vote;

Trustee Reeve	Aye	Trustee Church	Absent
Trustee Christensen	Aye	Mayor MacKerchar	Absent
Deputy Mayor Allison	Aye		
Trustee Benedict	Aye		
Trustee Stewart	Aye		

ADOPTED

MOTION by Trustee Christensen, seconded by Trustee Reeve to authorize Resolution No 4-2015 Budget Transfers for 2014-2015

TO:				Fund
Account Id	Description		Date	Totals
A -5110-1-120	Street Maintenance-Part Time	6,250		
		<u>6,250</u>		
			General	6,250
			Electric	-
			Sewer	-
			Water	-
			-	<u>6,250</u>
FROM:				
Account Id	Description		Date	
A -5110-1-100	Street Maintenance-Personal Services	6,250		
		<u>6,250</u>		
			General	6,250
			Electric	-
			Sewer	-
			Water	-
				<u>6,250</u>

Budget transfer to reflect higher than budgeted use of part-time labor, with corresponding reduction to full time labor personal services account.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Christensen, seconded by Trustee Reeve to authorize Resolution No 5-2015 Budget Transfers for 2014-2015.

TO:				Fund
Account Id	Description		Date	Totals

A -5110-2-200	Street Maintenance-Equipment	<u>5,000</u>		
		<u>5,000</u>		
			General	5,000
			Electric	-
			Sewer	-
			Water	-
			-	<u>5,000</u>
FROM:				
Account Id	Description		Date	
A -5110-2-220	Street Maintenance-Stone & Gravel	3,000		
A -5110-4-540	Street Maintenance-Signs & Posts	<u>2,000</u>		
		<u>5,000</u>		
			General	5,000
			Electric	-
			Sewer	-
			Water	-
			-	<u>5,000</u>

Budget transfer necessary to cover the cost of the new 2015 CAT 930M loader, the cost of which was higher than the amount budgeted.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Christensen, seconded by Trustee Reeve to authorize Resolution No 6-2015 Budget Transfers for 2014-2015

TO:				Fund
Account Id	Description		Date	Totals
A -5110-2-250	Street Maintenance-Cold Patch	450		
A -5110-4-413	Street Maintenance-Vehicle & Equipment Repairs	<u>500</u>		
		<u>950</u>		
			General	950
			Electric	-
			Sewer	-
			Water	-
			-	<u>950</u>
FROM:				
Account Id	Description		Date	
A -5110-2-270	Street Maintenance-Curbing & Fabric	450		
A -5110-4-480	Street Maintenance-Prof Fees/Publication	<u>500</u>		
		<u>950</u>		
			General	950
			Electric	-
			Sewer	-
			Water	-
			-	<u>950</u>

Budget transfer necessary due to higher than expected costs for cold patch and vehicle/equipment accounts, with corresponding reduction to curbing and fabric and professional fees accounts.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Christensen, seconded by Trustee Reeve to authorize Resolution No 7-2015 Budget Transfers for 2014-2015

TO:				Fund
Account Id	Description		Date	Totals
A -5110-4-420	Street Maintenance-Phone/Internet/Utilities	<u>1,980</u>		
		<u>1,980</u>		
			General	1,980
			Electric	-
			Sewer	-
			Water	-
			-	<u>1,980</u>
FROM:				

Account Id	Description	Date	
A -1621-4-420	Buildings & Grounds-Phone/Internet/Utilities		1,980
		<u>1,980</u>	
		General	1,980
		Electric	-
		Sewer	-
		Water	-
			<u><u>1,980</u></u>

Budget for phone and internet for DPW barns was mistakenly put in Building and Grounds account instead of Streets, and this transfer is being made to correct that.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize Resolution No 8-2015 Budget Transfers for 2014-2015

TO:

Account Id	Description	Date	Fund Totals
A -3120-1-120	Police-Part Time		
		<u>31,500</u>	
		<u>31,500</u>	
		General	31,500
		Electric	-
		Sewer	-
		Water	-
			<u>-</u>
			<u><u>31,500</u></u>

FROM:

Account Id	Description	Date	
A -3120-1-100	Police-Personal Services		
		<u>31,500</u>	
		<u>31,500</u>	
		General	31,500
		Electric	-
		Sewer	-
		Water	-
			<u>-</u>
			<u><u>31,500</u></u>

Budget transfer to reflect higher than budgeted use of part time labor, with corresponding reduction to full time labor personal services account.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

PERSONNEL:

MOTION by Trustee Benedict, seconded by Trustee Reeve to order a Water Treatment Plant Operator Trainee Civil Service exam from Yates County Personnel.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Benedict, seconded by Trustee Reeve to order an Electric Lineworker Civil Service exam from Yates County Personnel.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
 Nays 0 Abstain 0 Absent MacKerchar, Church

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize (5) five old car cages and (1) one push bar to be declared surplus.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

FIRE DEPARTMENT:

Monthly Fire Department report

Year to Date Fire Department report

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize to move forward with disconnecting the gamewell system and install new equipment to the dispatch center (911). Cost from L.W. Bills Company is \$11,775.00. The cost includes installing and disconnecting the old equipment.

Discussion: Trustee Reeve questioned if all the buildings/organizations will have all their accommodations taken care of. Brent Bodine explained St. Mike’s is the only one that is still connected to the system; some places are still connected but have their own thing in place to go directly to dispatch. They have all been aware that this would be coming – we mailed out letters about 1 year ago. Brent mentioned this is the first step – we have a lot of work still to do before we change, we will be contacting other municipalities that have already gone through this process. We want to be sure we don’t miss a step.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

CODE ENFORCEMENT:

Historic Preservation Commission approved the application for demolition of the structure at 112 Clinton Street at their meeting on Tuesday January 13, 2015.

MOTION by Trustee Christensen, seconded by Trustee Stewart to authorize Resolution No 12-2015 Authorize to Demolish and Remove the Structure at 112 Clinton Street.

WHEREAS, the flood event of May 13, 2014 caused the structural failure of the foundation walls for the house located at 112 Clinton Street in the Village of Penn Yan and,

WHEREAS, the Village of Penn Yan has followed the proper notification procedures defined in Chapter 58 of the Village Code and,

WHEREAS, the existing owner of this unsafe structure located at 112 Clinton Street has stated that she lacks the funds to effect the necessary repairs to this structure and,

WHEREAS, the existing state of the structure located at 112 Clinton Street represents a public nuisance and threatens the safety, health and welfare of the public in the Village of Penn Yan; and

WHEREAS, the Historic Reservation Commission has approved the demolition of such structure, and

WHEREAS, the Board of Trustees intends to act as “Lead Agency” with respect to the environmental review of this action.

NOW THEREFORE BE IT:

RESOLVED, that the Board of Trustees designates itself as “Lead Agency” with respect to the SEQRA review of this action, determines that the action is “unlisted” and therefore a Short Environmental Assessment Form (SEAF) will be completed with respect hereto; and be if further

RESOLVED, that Bruce Lyon, the Code Enforcement Officer for the Village of Penn Yan, is hereby authorized and directed to proceed with the demolition and removal of this unsafe structure located at 112 Clinton Street utilizing a private contractor, subject to the Procurement Policy of the Village of Penn Yan.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

Atty. Brockman reviewed in full with the Village Board the SEAF (Short Environmental Assessment Form) to Demolish the house at 112 Clinton Street. Atty. asked the Board if they did not agree with an answer to let him known.

MOTION by Trustee Christensen, seconded by Trustee Benedict to adopt the SEAF and authorize the Mayor to sign the SEAF (Short Environmental Assessment Form).

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

Trustee Reeve stated the next step is to get someone to demolish it. Atty. reminded them they need to comply with the Procurement Policy.

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize to go out for Bids on the following Village Materials for 2015- 2016:

- | | |
|-----------------------------|-------------------------------|
| Ready Mix Concrete | Gas and Diesel |
| Hot Mix Bituminous | Hauling of Materials |
| Hauling of Household Debris | Survey |
| Cemetery Foundation Work | Sidewalk Snow and Ice Removal |

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Christensen to authorize the Mayor signs the letter from New York State Department of Environmental Conservation regarding the Seneca River Watershed Project.

Discussion: Brent Bodine explained this is regarding the RiskMAP project, we had a focus group with the DEC and they summarized it and asking the Mayor to sign the agreement. Brent is waiting for a revised copy to be sent but is asking the Board’s approval now. The DEC looked at the watershed remapping needs dealing with the Seneca River Watershed. Brent mentioned we have had some concerns on Sucker Brook and Jacobs Brook before the May disaster also talks about the sedimentation in Kimball Gulley. Trustee Reeve mentioned we have not seen the letter and Brent stated he is waiting for the changes to be made by the DEC that he requested and after we receive the revised letter will forward a copy to the Village Board.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the Old PW 12 Cemetery Truck be declared surplus and sold.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

PARKS & RECREATION:

MOTION by Trustee Stewart, seconded by Trustee Benedict to authorize the yearly (MOU) Memorandum of Understanding between Yates County Legislature and the Village regarding funding for summer lifeguard services. Amount to be paid is \$10,260.00 for the time period of January 1, 2015 – December 31, 2015.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

Trustee Stewart mentioned the last few Parks & Recs. meeting Bill Laffin from Keuka Lake Association has attended and has been discussing the invasive species in lakes. The new law for the invasive species takes effect in 2016. Atty. Brockman questioned do we know what the State is going to require from us yet? Rich mentioned we are still reviewing the law but looks like it’s on the boat owners not village. We have started to discuss options – move the pay station and create a wash station. Law mentions boaters are to inspect the boats before entering the water or have the opportunity to wash your boat. Mr. Laffin has offered to help at the Boat Launch if need to. Atty. Brockman is wondering are we looking at installing something that they put money in to wash boats. Rich unsure at this time he will forward Atty. Brockman a copy of the law. Atty. just wondering and looking forward to see if we are or are not required having a washing station facility. Brent questioned does the State recognizes our Boat Launch. Trustee Stewart will forward a copy of the law to Atty. Brockman. Atty. Brockman will review the law and will contact the DEC.

PLANNING & DEVELOPMENT:

Trustee Reeve stated at the next Planning & Dev. meeting (January 27th at 2:00PM) Elise Johnson-Schmidt from Johnson-Schmidt & Associates Architects of Corning will discuss her thoughts and experience on upgrading upper floors in downtown historic areas. She is very knowledgeable in this area.

Trustee Reeve explained he would like to talk individual with the Board on High Impact Industrial Use in light of the States Hydrofracking. Looking for input to see if our rules and regulations need to be reviewed to protect our community? Trustee Reeve mentioned Trustee Stewart met with Gary, Clerk/Treasurer and the Deputy Clerk to start discussing the Village’s Web site looking at how to move forward what we would like to see, the cost and needs of the residents. Trustee Reeve stated they had the last Comprehensive Plan meeting last week; we have been working on a community survey, which is almost finalized and developing on when and how to dispense it. He believes will have hard copies in the Village Office and Library, looking at placing in the municipal bills. This is one more step towards the Comprehensive Plan.

PLANNING BOARD:

COMMENTS

Trustee Stewart explained at January’s Historic Preservation meeting Mr. Julian Adams, Representative from State Historic Preservation Office (SHPO) was present and discussed the siding issue on Mr. McLoud’s house at 125 Clinton Street. The Historic Commissions and Village Board had previously denied Mr. McLoud replacing siding on his home. Mr. Adams stated his situation was unique and extreme since the siding had deteriorated beyond its useful life and the health-related issues with poor insulation and moisture and rodent issues. Mr. Adams gave a suggestion to use a material called Hardi-plank; it’s a bit more costly. The Historic Commission and Mr. McLoud were in agreement with the idea. Trustee Stewart stated the Historic Commission decided to allow Mr. McLoud to use that material as long as it’s the same width and color and all sides matched. Mr. McLoud will fill out a new application. Mr. Adams explained the law better to the Commission and they need to be a more flexible and look at them case by case – he stated houses do have lives also. The Commission understands what Mr. Adams is saying. Trustee Stewart mentioned there will be a community forum on May 13th from 6:00PM – 8:00PM in the County auditorium and Mr. Adams will be a speaker along with Fran Dumas.

EXECUTIVE SESSION:

At 7:30 PM, **MOTION** by Trustee Christensen, seconded by Trustee Benedict to enter into Executive Session.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:13 PM, **MOTION** by Trustee Reeve, seconded by Trustee Benedict to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

ADJOURNMENT:

At 8:13PM, **MOTION** by Trustee Christensen, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

ADOPTED Ayes 5 Allison, Benedict, Christensen, Reeve, Stewart
Nays 0 Abstain 0 Absent MacKerchar, Church

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: