

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 21, 2014 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor R. Church; Trustees W. Allison; C. Benedict; C. Christensen; D. Reeve; R. Stewart; B. Winslow; 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; Municipal Board Chairman R. French; Municipal Board member L. MacKerchar

**ABSENT:** Fire Chief J. Housel

News Media present: Gwen Chamberlain, Chronicle Express; Jim Miller, Finger Lakes Times; David Specksgoor, Dundee Observer

**PUBLIC:** Mark Morris

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

**6:00 PM PUBLIC HEARING – Tax Cap Override**

Mayor Church called the Public Hearing to order at 6:00 PM.

At 6:00 PM **MOTION** by Trustee Christensen, seconded by Trustee Winslow to open the Public Hearing.

<b>ADOPTED</b>	Ayes	7	Mayor Church, Trustees Allison, Benedict, Christensen, Reeve, Stewart and Winslow
	Nays	0	Abstain                      Absent
			Adopted

Mayor Church asked if anyone had any comments regarding the Tax Cap Waiver Law. Trustee Stewart questioned is it 2% this year or is it reduced. Clerk/Treasurer responded it is reduced.

At 6: 03 PM **MOTION** by Trustee Allison, seconded by Trustee Benedict to close the Public Hearing.

<b>ADOPTED</b>	Ayes	7	Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow
	Nays	0	Abstain                      Absent
			Adopted

**MOTION** by Trustee Christensen, seconded by Trustee Winslow to authorize Resolution No 3- 2014 Two Percent Tax Cap Waiver Law

**WHEREAS**, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

**WHEREAS**, a public hearing was held before the Board of Trustees on said proposed Local Law on January 21, 2014; 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.

<b>ADOPTED</b>	Ayes	7	Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow
	Nays	0	Abstain                      Absent
			Adopted

**6:05 PM PUBLIC HEARING – Amending the Water Chapter**

At 6: 05 PM **MOTION** by Trustee Allison, seconded by Trustee Benedict to open the Public Hearing Amending the Water Chapter.

Mayor Church asked if anyone had any comments regarding the Amending Water Chapter. Brent mentioned this will make it more cost effective alternatives for homeowners.

At 6:06 PM **MOTION** by Trustee Reeve, seconded by Trustee Allison to close the Public Hearing

**MOTION** by Trustee Winslow, seconded by Trustee Christensen to authorize Resolution No 4-2014 Adoption of Local Law Amending the Water Chapter of the Code of the Village of Penn Yan to provide for Amendment of Pipe Specifications.

**WHEREAS**, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency, and designating the Local Law as an “Type II” action; and

**WHEREAS**, a public hearing was held before the Board of Trustees on said proposed Local Law on January 21, 2014; 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, through the Village Attorney, 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 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain Absent  
 Adopted

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Mayor Church, seconded by Trustee Reeve to authorize to have an Executive Session for a contract issue and consult with the Attorney.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MINUTES:**

**MOTION** by Trustee Stewart, seconded by Trustee Benedict to approve the Village Board Minutes from December 17, 2013.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MOTION** by Trustee Stewart, seconded by Trustee Benedict to un-table the Motion regarding the Keuka Lake 1 mile sign.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

Atty. Brockman presented a revised agreement between the Village and Yates County History Center. The original agreement was worded if we gifted the Keuka Lake 1 mile sign to the Yates County History Center they could do anything with the sign as they wish example sell it or destroy it. The new agreement states if the Yates County History Center is no longer interested in displaying the sign or have a use for it they will return it back to the Village. The Village has two older Keuka Lake 1 mile signs that have hung at the four corners, both signs were presented to the Village Board to view. Trustees Allison and Stewart suggested the oldest weathered sign be presented to the Yates County History Center and the other sign be kept in Brent’s office until a decision is made were it will be hung at the Village Office. Dan Doyle will deliver the sign and have the agreement signed by the Yates County History Center.

**MOTION** by Trustee Reeve, seconded Trustee Stewart to authorize the Mayor to sign the revised agreement and the old weather Keuka Lake 1 mile sign be gifted to the History Center.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MAYOR:**

**MOTION** by Trustee Christensen, seconded by Trustee Winslow to authorize the Mayor to sign the (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, 2014 – December 31, 2014.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Christensen to authorize Resolution No. 1-2013 Mileage Allowance effective January 1, 2014 for 56 cents per mile.

**“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 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**ATTORNEY:**

Atty. Brockman explained we received four (4) judgments on Wayne Davidson’s. We were going through litigations with Mr. Davidson on which the Village prevailed, as a result the Village received four (4) judgments against Mr. Davidson. Total cost for all four were \$1,000.00 plus interest (\$1,126.00). Mr. Davidson in the process of selling his house here in town. Cannot sell until these four judgments are paid in full. Atty. Brockman received a check from Mr. Davidson in the amount of \$1126.00; this has been turned over to Village Clerk/Treasurer G. Meeks. The check has been deposited. Atty. Brockman will wait until the check has been cleared before he will forward the four judgments.

**MOTION** by Trustee Reeve, seconded by Trustee Winslow to authorize the Mayor to execute (4) four Satisfactions of Judgments for Wayne Davidson.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

Atty. Brockman asked the Village Board would they prefer a Public Hearing or an informational meeting at February’s Board meeting to discuss with the public the upcoming Waterfront project. It was decided to have the informational meeting and the Mayor asked the news media to report the meeting. Mayor explained this is a big deal for the Village the final document has not been finalized yet but hopes to by February’s meeting. This is a three (3) way agreement between the County, Village and the developer. Mayor stated if the public has any questions they can contact him or any other Trustee.

Atty. Brockman explained last year the LOSAP documents were not adopted thru the State Legislation while the Davidson litigation was going on. The Davidson matter has been settled and we received new documents from the State stating if we want to pursue this we need to fill out forms again. Atty. Brockman asking the Board if they want to pursue this. Mayor feels we should move forward – they are the ultimate authority here and tell us we did it correct.

**MOTION** by Mayor Church, seconded by Trustee Reeve to authorize Clerk/Treasurer Gary Meeks signs the appropriate forms regarding the approval of the LOSAP point system and submits them to the State approval.

Mayor asked for a roll call vote:

Trustee Reeve Aye Mayor Church Aye Trustee Stewart Aye  
Trustee Benedict Aye Trustee Allison Recuse  
Trustee Christensen Aye Trustee Winslow Aye  
Adopted

**COMMUNITY REVITALIZATION:**

Mayor Church mentioned we have loaned out all monies for the facade program , we are being paid back. He hopes in a while they will be able to loan out more soon if need to. No new applications right now have been submitted.

**MUNICIPAL:**

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the composting grant agreement be executed (MWRR Project #8-MSWSS-150).

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the proposed engineering contract from Elliott Engineering Solutions (for a cost not to exceed \$90,500) for the composting project be executed.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Christensen to authorize going out for bids for LED post top luminaires for Main Street and Elm Street.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Christensen to authorize going out for bids for fencing to be used around a new transformer containment area near the Wastewater Treatment Plant.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Benedict to authorize paying the three-year FLWWC membership dues for five (5) employees (\$15 each = \$75 total).

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the attendance of up to four (4) employees at the FLWWC Annual Business Meeting being held February 6<sup>th</sup> in Geneva, NY at a cost of \$22.00 per employee.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Christensen to authorize the forgiveness of \$202 in sewer charges for 504 Liberty Street, Apartment A.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Christensen to authorize the attendance of Tim Logan and Dave Cohick at the Water Operator Certification Course being held for two weeks (May 5<sup>th</sup> – 9<sup>th</sup> and May 12<sup>th</sup> – 16<sup>th</sup>) in Tonawanda, NY; the course is \$825 per person and the hotel stay is \$1,190 per person for a total of \$4,030 for the two employees.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Benedict to declare the Water Treatment Plant's salt spreader as 'surplus' and either sell it at auction or through e-bay for fair market value.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the attendance of Ben Sward at the NYWEA seminar being held February 12<sup>th</sup> in Rochester at a cost of \$125.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0  
Adopted

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the attendance of Bill Jensen at the Backflow Prevention Device Testing Recertification program being held March 14<sup>th</sup> in Rochester, NY at a cost of \$195.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the payment for the engineering estimate for the widening of Franklin and Sherman Streets (\$6,700) be shared by the MUB and the Village with the MUB paying 40% (\$2,680) and the Village paying 60% (\$4,020) of the estimate.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MOTION** by Trustee Allison, seconded by Trustee Christensen to approve Utility Payment Agreements in the amount of \$11,639.32.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

Mayor Church mentioned Rom French Chairman of Municipal Board and Mayor Church wrote a letter to Kurt Gilbert (Wastewater Treatment Worker) to recognize his efforts to save the Village approximately \$20,000 and preserving vital plant equipment. Kurt helped the Wastewater Plant with two (2) different problems and saved the Village tens of thousands of dollars. Great job. Rom French mentioned there are at least 10 of the original contactors that are 32 years old, which will be replaced in the future.

Trustee Allison mentioned some of the contractors are up to the Wastewater Treatment Plant and starting to set up.

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		5,103.14
Electric		262,941.50
Sewer		1,256.27
Water		627.40
Capital Projects		
<b>Total Paid Before Audit</b>		<b>\$ 269,928.31</b>
<b>Current Audit:</b>		
General	\$	81,056.95
Community Development - CRC		-
Electric		47,869.74
Sewer		136,046.98
Water		14,668.30
Capital Projects		-
<b>Total Current Audit Items</b>		<b>\$ 279,641.97</b>
<b>TOTAL AUDIT</b>		<b>\$ 549,570.28</b>

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MOTION** by Trustee Christensen, seconded by Trustee Allison to authorize Resolution No 2-2014 Budget Transfers for the 2013-2014 Fiscal year.

**TQ:**

Account Id	Description	Date	Fund Totals
EW-8320-4-480	Pumping & Purification-Prof Fees/Publications	1,000	
		<u>1,000</u>	
	<b>General</b>		-

<b>Electric</b>	-
<b>Sewer</b>	-
<b>Water</b>	<u>1,000</u>
-	<u>1,000</u>

**FROM:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	
EW-8320-4-590	Pumping & Purification-Meters		1,000
			<u>1,000</u>
		<b>General</b>	-
		<b>Electric</b>	-
		<b>Sewer</b>	-
		<b>Water</b>	<u>1,000</u>
			<u>1,000</u>

Transfer to Professional fees account to cover the cost of training for two Water Treatment Plant operator trainees in the month of May.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**PERSONNEL:**

**MOTION** by Trustee Benedict, seconded by Trustee Reeve to authorize the retroactive change in the hourly pay rate of Temporary WTP Operator Jeffrey Breuer from \$19.96 to \$20.68 his rate of pay at time of his resignation.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MOTION** by Trustee Benedict, seconded by Trustee Christensen to authorize the retroactive change in the hourly pay rate of Temporary WTP Operator Douglas Marchionda, Jr. from \$19.96 hr. to \$21.04 hr. his rate of pay at time of his resignation.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MOTION** by Trustee Benedict, seconded by Trustee Reeve to authorize the temporary assignment of Joshua Smith as Utility Service Worker. He will remain at Grade 5 Step 4 \$20.97 per hour. The assignment will become effective February 19, 2014 for up to 90 days.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MOTION** by Trustee Benedict, seconded by Trustee Stewart to approve to start the application process of hiring a Police Academy Trainee. An Employment Contract, regarding hiring Police Academy Trainees will have to be developed, to cover the period of time training at the Academy and the Field Period training. This Employment Contract will also need to cover the expectations of the trainee to the Village, after the training has been completed.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**PUBLIC SAFETY:**

No update

**POLICE DEPARTMENT:**

No update

**FIRE DEPARTMENT:**

Monthly Fire Department report

Year to Date Fire Department report

**CODE ENFORCEMENT:**

No update

**PUBLIC WORKS:**

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize going out for bids for the following material/services for the fiscal year 2014-2015.

- |                       |                             |
|-----------------------|-----------------------------|
| Ready-Mix Concrete    | Gasoline and Diesel         |
| Hot Mix Bituminous    | Hauling of Household Debris |
| Sidewalk Snow Removal | Cemetery Foundation Work    |
| Hauling of Materials  | Hauling of Liquid Sludge    |
| Chemicals             | Tree Trimming               |

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

Mayor Church asked for a moment of silent for the passing of Dick LaRock that passes away last week. Dick was the former Chief of the Water Treatment Plant before retiring a few years ago.

**PARKS & RECREATION:**

**MOTION** by Trustee Stewart, seconded by Trustee Benedict to authorize the opening date for park pavilion rentals and the boat launch be April 1, 2014

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

Trustee Stewart stated the Committee has started to review the section for Parks in the Village Code Book. No changes yet to bring to the Board.

**PLANNING & DEVELOPMENT:**

**PLANNING BOARD:**

Trustee Reeve mentioned the committee had a guest speaker from the Sampson Theater at last meeting to discuss the upcoming future. Have not received and details yet but will have help from a grant to update the Comprehensive Plan and the design.

**COMMENTS**

**EXECUTIVE SESSION:**

At 6:39 PM, **MOTION** by Trustee Christensen, seconded by Trustee Winslow to enter into Executive Session. Board asked DPW Director Brent Bodine and Chief Hulse to attend the meeting.

**ADOPTED** Ayes 7 Church; Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:29 PM, **MOTION** by Trustee Christensen, seconded by Trustee Reeve to leave Executive Session and return to regular Village Meeting.

**ADOPTED** Ayes 7 Church, Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0  
 Adopted

**MOTION** by Mayor Church, seconded by Trustee Christensen authorizing payment of 12% of total tax bill (.12 x \$1, 1609.20 = \$193.10) directly to Roger Sands. Mr. Sands has paid the 2014 tax bill in full and is being

reimbursed as per the statement of sale at closing from a real estate transaction in December 2013. Also authorize Atty. Brockman to contact the Milo assessor regarding an exemption for the future.

**ADJOURNMENT:**

At 7:31 PM, **MOTION** by Trustee Allison, seconded by Trustee Winslow to adjourn the regular Village Board meeting.

**ADOPTED** Ayes 7 Church Allison, Benedict, Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

Adopted

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**