

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 15, 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; B. Church; 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:

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

PUBLIC: Don Oakleaf, Mark Morris, Bill Laffin, Chris Smith, Stefan Lewandowski, Sarah Vestal, Fran Dumas

At 6:05 PM Mayor MacKerchar called the Village Board meeting to order.

Mayor MacKerchar expressed his gratitude to both Trustee Christensen and Trustee Bob Church for their years of service to the Village and support and dedication to the Community and Village committees. Mayor explained they both were not going for re-election this year.

Mayor MacKerchar presented a Certificate of Recognition to Trustee Chris Christensen for her six years of committed service as a Village Trustee and the Board has appreciated her years of dedicated support through the years.

Mayor MacKerchar presented a Certificate of Recognition to Trustee Bob Church for his ten years of committed service serving the Village of Penn Yan. We appreciate your dedicated support and significant contributions to the Village as the Mayor and as a Trustee.

The audience applauded for both and wished them well.

6:00PM PUBLIC HEARING – Amending Vehicle and Traffic Control

At 6:08 PM Mayor opened the Public Hearing to amend the Vehicle and Traffic Chapter of the Code.

Mayor asked if anyone had any comments or concerns regarding the Public Hearing. He will keep this open for a short time.

Mayor MacKerchar asked if any of the Guest or Public had any Request. Mr. Don Oakleaf explained he is with the Penn Yan Rotary Club and has been a member for 23 years. The Rotary Club is asking the Village for a letter of support and participation for a grant application to send to the District. The Penn Yan Rotary Club would like to have eight benches made with the guidance from Dan Doyle, Parks & Recreation Department and Mr. John Kriese from Penn Yan Academy along with the Career and Technical program at the school. Mr. Oakleaf stated the Rotary Club looks for projects like this that make a difference to the community. Would like support letters in mail by Friday and should hear back by May 6 on grant application. Unable to spend a dollar until July 1st and the project needs to be done by May 17th, 2017. Mr. Oakleaf explained after the benches are installed the Village will take ownership.

MOTION by Trustee Stewart, seconded by Trustee Church to authorize the Mayor signs the letter of agreement to the Penn Yan Rotary Club. Accepting eight steel park benches to be placed along selected sites along the Waterfront trail or other specified areas after or near completion of the **project**.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Mayor MacKerchar asked again if anyone had any comments or concerns for Amending Vehicle and Traffic Control. No comments.

At 6:17PM **MOTION** by Trustee Allison, seconded by Trustee Christensen to close the Public Hearing Amending Vehicle and Traffic Code to establish a “Stop” sign at Elmwood Avenue.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Reeve, seconded by Trustee Church to authorize Resolution No 37-2016 Adoption of Proposed Local Law to establish a “Stop” Intersection at Elmwood Avenue and Himrod Road.

WHEREAS, a draft of the proposed Local Law was previously distributed to the Board of Trustees of the Village of Penn Yan; and

WHEREAS, a public hearing has been held before the Board of Trustees of the Village of Penn Yan regarding the proposed Local Law.

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 a Local Law.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Reeve, seconded by Trustee Church to authorize to have an Executive Session for real estate matter and litigation issue.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MINUTES:

MOTION by Trustee Stewart, seconded by Trustee Benedict to approve the Village Board Minutes from February 16, 2016 and Special Board meeting on February 26, 2016.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION by Trustee Reeve, second by Trustee Christensen to authorize Operation Graduation Committee to hold a Community Color Walk/Run on April 24th from 8:00am – Noon. (Starting at Penn Yan Academy down Burns Terrace to Elm St. to Little League Park down the Outlet Trail to Cherry St. parking area and returning back).

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Christensen, seconded by Trustee Church to authorize the PY Youth Baseball and Softball Opening Day Parade on Saturday April 30th starting at 9:00 AM. Route – begin at boat launch – Keuka Street up Elm Street to Baseball Complex.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MAYOR:

Mayor MacKerchar reminded the board the yearly Organization meeting is set for Monday April 4, 2016 at 5:00PM.

Mayor MacKerchar wanted to Thank Gary, Trustee Benedict, Robin Morse and Dot Allen for there hard work in selecting a Deputy Clerk/Treasurer. The committee has selected Holly Pealer who will be starting April 18th, 2016.

ATTORNEY:

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 38-2016 Consent to Grant Easement to Town of Milo for Municipal Line Along Elmwood Avenue.

WHEREAS, the Village of Penn Yan is in the process of creating an extension of Elmwood Avenue to Himrod Road, upon land which the Village has acquired, as well as annexing the territory upon which the extension of Elmwood Avenue is located; and

WHEREAS, the Town Board of the Town of Milo has requested an easement across the land being occupied by the extension of Elmwood Avenue for the purpose of installing a municipal water line; and

WHEREAS, it appears that there will be no environmental impact caused by the granting of this easement.

Now Therefore, Be It Resolved that:

1. The Board of Trustees of the Village of Penn Yan determines that no environmental impact will result from the proposed adoption of amended regulations, that accordingly the action is designated as “Type II” under SEQRA, and therefore no environmental review will be undertaken.

2. The Board of Trustees of the Village of Penn Yan hereby consents to the granting of an easement to the Town of

Milo through the land upon which the extension of Elmwood Avenue is located for the purpose of installing a water line, subject to the approval of the DPW Director and the Village Attorney as to form and content thereof.

3. The Mayor is authorized and directed to execute said easement agreement, as well as any other documents necessary for the effectuation thereof, subject to the aforementioned approvals.

MOTION by Trustee Allison, seconded by Trustee Church to set a Public Hearing for March 28, 2016 at 9:00AM for the creation of an Extension of a Village Street to be Designated Elmwood Avenue.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Church to authorize Resolution No 40 -2016, to set a Public Hearing for April 19th at 6:00PM regarding two New Video Franchise (Community Cable Corporation (North Penn Video) and Empire Video Services Corporation).

WHEREAS, the Village of Penn Yan has received a proposed Franchise Agreement seeking to provide for cable television service in the Village of Penn Yan by Empire Video Services Corporation; and

WHEREAS, a public hearing is required with respect to the proposed Franchise Agreement as a precedent to approving same.

NOW THEREFORE BE IT RESOLVED, THAT

A public hearing with respect to the proposed Empire Video Services Corporation franchise agreement be held at the Penn Yan Village Hall, on April 19, 2016 at 6:00 p.m. and that notice thereof be duly made.

Discussion: Atty. Brockman mentioned this is a new cable Company a competitor to Time Warner.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Stewart to authorize Bill Jensen and Charlie Bush to attend Electrical Hazard Awareness Training in Rochester on March 24, 2016 for a cost of \$110.00.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize the Notice of Awards for the following:

- Clean Water for liquid phosphate \$8.99/gallon
- Holland Chemical for liquid alum \$.78/gal
- Slack Chemical for Sodium Hypochlorite Drums & Bulk \$1.50/gal
- Slack Chemical for Sodium Fluoride \$.80/lb.
- Casella Waste Management for hauling biosolids (dried product) for \$250 flat fee per haul plus \$33 for liner, if needed

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the Mayor to execute an agreement for electrical work involving relocating poles, transmission lines, a transformer, and multiple house service lines in exchange for payment of \$61,152.48 for the DOT 54A culvert replacement project.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the Mayor to execute an agreement for water line work involving relocation of a municipal water line and home service lines that conflict with the project in exchange for payment of \$44,332.50 for the DOT 54A culvert replacement project.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the Mayor to execute an agreement for sewer work involving relocation of the sanitary sewer, private residence connections and other facilities in exchange for payment of \$5,922.50 for the DOT 54A culvert replacement project.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize Resolution No 39-2016 Authorization for Village of Penn Yan to Enter into Agreement with the NY State Department of Transportation.

Whereas, the Village of Penn Yan authorizes the Mayor to execute any and all agreements with the New York State Department of Transportation regarding the State’s construction project for the construction of a new culvert at Sucker Brook under NYS Route 54A (Elm Street), PIN 601119.

NOW, THEREFORE, BE IT:

RESOLVED that the Village of Penn Yan authorizes the Mayor to execute any and all agreements with the New York State Department of Transportation regarding the State’s construction project for the construction of a new culvert at Sucker Brook under NYS Route 54A (Elm Street), PIN 601119.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Church to authorize Resolution No 34-2016 Section 3 Coordinator for CDBG Project #895PW35-14 Seneca Street Water main Replacement.

Whereas, the NYS Homes and Community Renewal’s (HCR) Fair and Equitable Housing Office (FEHO) is responsible for ensuring grant recipients of HUD funding comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968; and

Whereas, the Village of Penn Yan has been awarded a CDBG Grant #895PW35-14 for the replacement of the watermain on Seneca Street in Penn Yan; and

Whereas, the Village of Penn Yan must designate a Section 3 Coordinator for this project;

NOW, THEREFORE, BE IT:

RESOLVED that the Village Board of the Village of Penn Yan hereby names the Director of Public Works, Brent C. Bodine, as the Section 3 Coordinator for their CDBG Grant #895PW35-14.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Benedict to approve Utility Payment Agreements in the amount of \$9,153.92

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Brent Bodine discussed the Waterfront sewer project – the sewer line between Mace Street and the new relocated pump station at the end of Hicks Street is in.

The new gravity sewer on Monell Street is done. The contractor will be moving onto the section between Penn Yan Boat and end of Monell Street, which includes gravity sewer and pump station. The electric subcontractor will be starting on the electric for the pump stations soon depending on weather.

Bill Jensen explained the update for the Waste Water Treatment Plant, the two composting buildings will be off line it’s all most completed and will been inspected this week. They are starting to move equipment in, looking at spring/summer to working around the facility outside.

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		33,147.75
Electric		346,458.55
Sewer		6,697.18
Water		7,102.03
Capital Projects		
Total Paid Before Audit		\$ 393,405.51
Current Audit:		
General	\$	39,363.25
Community Development - CRC		-
Electric		66,872.23
Sewer		288,776.02
Water		32,511.71
Capital Projects		-
Total Current Audit Items		\$ 427,523.21
TOTAL AUDIT		\$ 820,928.72

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Church, seconded by Trustee Christensen to authorize Resolution No 35-2016 Budget Transfers for the 2015-2016 Fiscal Year. (WWTP cover engineering and other chemicals accounts)

TO:			Fund
Account Id	Description	Date	Totals
ES-8130-4-400	Sewage Treatment-Engineering	3,500	
ES-8130-4-530	Sewage Treatment-Other Chemicals	7,500	
		<u>11,000</u>	
			General -
			Electric -
			Sewer 11,000
			Water -
			<u> 11,000</u>
FROM:			
Account Id	Description	Date	
ES-8130-4-418	Sewage Treatment-Maint on Plant	11,000	
		<u>11,000</u>	
			General -
			Electric -
			Sewer 11,000
			Water -
			<u> 11,000</u>

Budget transfers within the WWTP cost center to cover engineering and other chemicals accounts which are over budget, with funds being reallocated from maintenance on plant account.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Church, seconded by Trustee Reeve to authorize Resolution No 36-2016 Budget Transfers for the 2015-2016 Fiscal Year. (Oliver House – gutter dams can be installed)

TO:			Fund
Account Id	Description	Date	Totals
A -1623-4-410	Oliver House-Contractual Services	6,250	
		<u>6,250</u>	
			General 6,250
			Electric -
			Sewer -
			Water -
			<u> 6,250</u>
FROM:			
Account Id	Description	Date	
A -1620-4-500	Village Facilities-Supplies & Materials		6,000

A -1621-4-412	Buildings & Grounds-Gas	250	
		6,250	
			General 6,250
			Electric -
			Sewer -
			Water -
			6,250

Budget transfer to Oliver House account so that gutter dams can be installed in this budget year, with offset coming from building and grounds account that were under budget.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Church, seconded by Trustee Christensen to authorize a Special Village meeting for a Budget Workshop on Monday March 21, 2016 at 9:00AM

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Church, seconded by Trustee Christensen to authorize a Public Hearing for the Village Budget on Monday April 4, 2016 at 5:30PM.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

PERSONNEL:

Mayor MacKerchar expressed his gratitude to Trustees Church, Christensen and Benedict for their help on these contracts and all others involved.

MOTION by Trustee Benedict, seconded by Trustee Christensen to authorize Resolution No 33-2016 Amendment of the Policy Regarding Payment of Medical and Dental Insurance Premiums for Elected Officials of the Village of Penn Yan.

WHEREAS, the Village of Penn Yan presently has a policy for payment of medical and dental insurance premiums for elected officials of the Village of Penn Yan, including family members of those officials; and

WHEREAS, the rising cost of medical insurance premiums is severely impacting the financial well-being of the Village of Penn Yan.

NOW THEREFORE BE IT RESOLVED, that commencing April 1, 2016, and thereafter, newly elected officials of the Village of Penn Yan shall **not** be entitled to payment by the Village of Penn Yan for premiums for medical and dental insurance.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays Reeve Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Church to ratify the June 1, 2016 thru May 31, 2019 contract agreement between the Village of Penn Yan and the Penn Yan Police Benevolent Association, Inc.

Discussion: Trustee Stewart question about section 27-3 and performance evaluations for the Police Department Mayor explained he has spoken with Chief Hulse there is material gather and will be discussing it with the PBA.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Allison to ratify the June 1, 2016 thru May 31, 2020 agreement by and between the Village of Penn Yan and the Civil Service Employees Association, Inc. Local 1000, AFSCME, AFL-CIO, Yates County Local 862, Village of Penn Yan Unit.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

PUBLIC SAFETY:

POLICE DEPARTMENT:

Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize to go out for bid for the 2016-2017 fiscal year Paving Plan

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize to grant permission for two people (Dan Doyle and Jeff Bergstresser) to attend the Annual Sanico Conference in Owego on April 15th. No cost

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to declare DPW’s 11 ft. snow plow with plow frame as surplus and authorize selling at auction in May.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Trustee Allison mentioned April Clean up for the Village is April 4 – May 2. Reminding everyone we will be collecting leaves, yard debris and tree branches no larger than 3” in diameter. After May 2nd there will be no debris picked up until our Fall Cleanup is held.

PARKS & RECREATION:

MOTION by Trustee Stewart, seconded by Trustee Church to authorize the Mayor sign the Yates County Workforce Program agreement.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Brent Bodine explained the situation of the section of the Outlet Trail near Roto Salt. This includes a trail that is part of the plan that connects the Outlet Trail system to Village’s Red Jacket Park, an 800 foot section would be part of the Waterfront trail system. This section goes by Penn Yan Boat property to the end of Monell Street. Brent is ready to go to the Department of State to update them in the change in our layout for this section of the trail. The Dept. of State is aware of the right away challenges we’ve had and Brent anticipated that this change in our plan for this section of the trail will be acceptable. Brent is asking the consent from the Village to build this section of new trail, knowing that it will be dead-end until either a bridge to the Boat Launch is built or the land that Carey’s Lumber now owns is sold and developed. Trustee Reeve questioned if there was strip of land that Village of Penn Yan currently owned that would give us access to Lake Street. Brent answered, saying this was land owned by Roto Salt. Trustee Allison feels we need to move forward.

PLANNING & DEVELOPMENT:

Trustee Reeve explained the committee is discussing the importance of municipal parking and how to allocate legal municipal parking for the re-development in the downtown section. Need site plans for parking to be approved. Have some ideas.

PLANNING BOARD:

COMMENTS

Trustee Allison wanted to thank Trustees Church and Christensen again for their participation, time and efforts over the years. They made a great contribution.

EXECUTIVE SESSION:

At 7:00 PM, **MOTION** by Trustee Reeve, seconded by Trustee Church to enter into Executive Session.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:10 PM, **MOTION** by Trustee Allison, seconded by Trustee Christensen to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Reeve, seconded by Trustee Stewart authorizing the Mayor and DPW Director to negotiate a proposed land swap with the owner of Birkett Mills, and to use that proposed agreement to go to outside counsel (Bond, Schoeneck & King) to obtain a quote for legal assistance with home rule legislation.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

ADJOURNMENT:

At 8:15 PM, **MOTION** by Trustee Christensen, seconded by Trustee Church to adjourn the regular Village Board meeting.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: