

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, April 18, 2017 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor MacKerchar; Trustees W. Allison; C. Benedict; D. Condella; K. McLoud; D. Reeve; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Pealer; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; CEO B. Lyon; Fire Chief M. Clancy; Municipal Chairman R. French, Commissioner D. Banach

**ABSENT:** Police Chief M. Hulse

News Media present: Gwen Chamberlain, Chronicle Express; Pat McIlvride, Dundee Observer

**PUBLIC:** Greg Hotaling from MRB, Roger Hayes, Ron Bulman, Derek Christensen, Jennifer Clancy, Mark Morris, Earl Gleason

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

**6:00 PM PUBLIC HEARING - Provisions** for Payment of Municipal Utility Fees by Credit Card and/or Charge Card. (Local Law C 2017)

At 6:00 PM **MOTION** by Trustee Reeve, seconded by Trustee Stewart to open the Public Hearing for Provisions for Payment of Municipal Utility Fees by Credit Card and/or Charge Card.

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

Mayor MacKerchar asked if there were any comments or concerns regarding Credit Card and/or Charge Card. Roger Hayes asked do you have to pay by credit card. Mayor explained no this is another benefit will be offering to residents. There is a cost associated with this. Deputy H. Pealer stated 2.95% for major credit cards 1.05% for e-checks \$3.95 for debit card Trustee Stewart stated this has been a long time coming and a lot of work has gone into this and he appreciates it.

At 6:02 PM **MOTION** by Trustee McLoud, seconded by Trustee Benedict to close the Public Hearing.

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

**MOTION:** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 55-2017 Adoption of Local Law Creating a Chapter of the Code of the Village of Penn Yan Relating to Payment of Utility Bills By Credit Card or Charge Card – Electronically or otherwise.

**WHEREAS,** the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by designating the Local Law as a “Type II” Action under SEQRA 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 April 18, 2017; 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 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart  
Nays 0 Abstain 0 Absent

**6:05 PM PUBLIC HEARING - Amending Sewer Chapter Measurement of Flow for Sewer Discharges.** (Local Law B 2017)

At 6:05 PM **MOTION** by Trustee Benedict, seconded by Trustee McLoud to open the Public Hearing. Mayor MacKerchar asked if there were any comments or concerns regarding the Amending Sewer Chapter Measurement of Flow for Sewer Discharges. Mayor mentioned this is to measure the flow of sewage, Brent

Bodine stated this gives an option for our commercial customers to install a meter at their expense, it's a case by case. Trustee McLoud wondered are the meters monitored manual or electric, Brent stated can be either one.

Atty. Brockman reviewed the SEQRA in full for the Sewer Chapter

At 6:15PM **MOTION** by Trustee Allison, seconded by Trustee Benedict to close the Public Hearing.

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

**MOTION:** by Trustee Stewart, seconded by Trustee McLoud to authorize Resolution No 57-2017 Adoption of Local Law Amending the Sewer 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 "Unlisted" and therefore a Short Environmental Assessment Form (SEAF) has been prepared and reviewed: and

**WHEREAS**, a public hearing was held before the Board of Trustees on said proposed Local Law on April 18, 2017; 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 SEAF has hereby been adopted.
2. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law.
3. 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 7 MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart  
Nays 0 Abstain 0 Absent

**6:10 PM PUBLIC HEARING** - Infrastructural Design Criteria and Construction (Local Law D 2017)

At 6:16PM **MOTION** by Trustee Reeve, seconded by Trustee McLoud to open the Public Hearing on Infrastructural Design Criteria and Construction.

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

Mayor MacKerchar asked if there were any comments or concerns regarding the Infrastructural Design Criteria and Construction. Brent Bodine explained this document has not been updated since 1970's. The document has been reviewed by the Planning Board and the Village Board. Trustee Reeve feels this is important to the DPW, Brent and to have it updated for the property owners. Trustee Reeve feels there is still a gap between the Comprehensive Plan and this document. Trustee Reeve questioned what does the public want the village space to look like. Brent stated the engineer has done the best to capture the process and in doing so the Planning Board was in on this process. Trustee Benedict questioned are these effectively immediately, wondering would it impact some projects that have been in front of the Planning Board already and received site approval. Brent mentioned if still in review yes they would be under the new standards. Atty. Brockman stated as with any Local Law it does not come effective until it's filed in Albany. This will be in a week or two.

Atty. Brockman reviewed in full the FEF (Full Environmental Assessment Form) for the Adoption of Local Law for Infrastructure Design Criteria and Construction Specifications.

At 6:34PM **MOTION** by Trustee Benedict, seconded by Trustee Condella to close the Public Hearing.

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

**MOTION** by Trustee Reeve, seconded McLoud to approve and adopt the FEF respect to the Adoption of Local Law for Infrastructure Design Criteria and Construction Specifications.

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

**MOTION:** by Trustee McLoud, seconded by Trustee Stewart to authorize resolution No 56 -2017Adoption of Local Law for Infrastructure Design Criteria and Construction Specifications.

**WHEREAS**, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by designating the Local Law as a "Type I" Action under SEQRA; and

**WHEREAS**, a public hearing was held before the Board of Trustees on said proposed Local Law on April 18, 2017; 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 7    MacKerchar, Allison, Benedict, Condella, McLoud, Reeve, Stewart  
 Nays 0                      Abstain 0                      Absent

**6:15 PM PUBLIC HEARING – Adoption of General and Municipal Utility Budgets for 2017-2018**

At 6:35 PM **MOTION** by Trustee McLoud, seconded by Trustee Benedict to open the Public Hearing for Adoption of General and Municipal Utility Budgets for 2017-2018.

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

Gray Meeks Clerk/Treasurer briefly reviewed the General Budget. He explained we have a few changes from the Budget Workshop meeting. We have extra revenue to put in the budget and decrease the tax levy. Tax increase prior to changes is \$171,057 - 6.08%

**MOTION** by Trustee Benedict, seconded by Trustee Allison to increase revenue budget #A3501 by \$17,418 and reduce the tax levy to reflect the extreme winter recovery apportionment approved by the adopted NYS budget.

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

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to increase revenue budget A3089 by \$4,963 and reduce the tax levy to reflect Village per capital aide approved by the adopted NYS budget.

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

Gary stated the adjusted budget with these two adjustments would reduce the tax levy to \$2,963,047, which would result in a tax increase from last year of \$148,676 or 5.28%.

Mayor MacKerchar mentioned at the Budget workshop we did not have a set closing date on the Keuka mooring project and felt we shouldn't include the \$75,000 as anticipated revenue, but now feels comfortable to include the \$75,000 revenue in the budget. He does not have a closing date but should be closing soon.

**MOTION** by Trustee Reeve, seconded by Trustee McLoud to amend the Budget to include the anticipated revenue and reduce the tax levy. Increase the revenue budget for A2660 by \$75,000 and reduce the tax levy to reflect the expected payment due to the Village from the developer upon the sale and closing of the former Penn Yan Boat site.

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

Gary stated the tax levy tentative budget was \$2,985,428 or up 6.08% now with the three amendments the tax levy is \$2,888,047 or up 2.62%.

Trustee Benedict mentioned that with the 2.62% increase in the tax levy we are still within the tax cap calculation because we had some alternate factors that allowed our tax levy to increase more than 1.15% that was allowed for Villages and municipalities for the 2017-18 fiscal year. So we won't be affecting resident's property tax rebate program. Gary explained we will be under the tax cap about \$97,000.

Gary Meeks explained the municipal budget was reviewed by finance and municipal and they approved. Water is in good shape – water rates per EDU are down from last year \$7.75 to \$7.19 this year and variable rates per 1,000 gallons are down from last year \$6.33 to \$5.39 this year. Sewer cost have increased from WWTP upgrade at the plant of 4.6 million, insurance bill is higher due to the value of property, and a 1 million compost project. Higher costs have resulted in a higher fixed user cost per EDU from last year \$7.84 to \$9.69 this year and variable rates per 1,000 gallons are up from last year \$5.39 to \$5.48 this year. Trustee Reeve questioned the sludge was to be a savings. Gary stated this year it's around \$30,000 and past year around \$70,000.

Gary stated the electric budget is a challenge, rates are set by the public service commission and we did increase slightly 3 years ago – after not having an increase for about 15 years. Trustee Benedict explained customers will see on bills added into the PPAC are charges that are passed along to us from the state. This is how NYS is getting the money to fund grants available for renewable energy projects. The electric companies are being charged and paying these fees. We have no control over this. Gary mentioned this is just starting to show on customers' bills.

**MOTION:** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 44-2017, Village and Municipal Budgets adoption for 2017-2018.

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

**WHEREAS,** the Board of Trustees of the Village of Penn Yan has met at the time and place specified in the Notice of Public Hearing (Wednesday, March 29, 2017 for Village and Friday, April 7, 2017 for Municipal Utilities, Electric, Water and Sewer) for the preliminary Budgets and heard all persons desiring to be heard thereon: now,

**THEREFORE, BE IT RESOLVED,** that the preliminary Budgets as amended and revised and as hereinafter set forth are hereby adopted and that several amounts stated in the column titled "Tentative or Adopted" are hereby appropriated for the objects and purposes specified and the salaries and wages stated in such budgets shall be and are hereby fixed at the amounts shown therein effective June 1, 2017.

At 6:55PM **MOTION** by Trustee Reeve, seconded by Trustee McLoud to close Public Hearing

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

**MOTION:** by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 45-2017, Water and Sewer Rent Rates and Fees.

**WHEREAS,** provisions of §154-2 and §154-7 of the Sewer Rents Chapter of the Code of the Village of Penn Yan establish the sewer rent rate computation and review of charges; and

**WHEREAS,** provisions of §198-16.1 of the Water Rents Chapter of the Code of the Village of Penn Yan establish the water rent computation; and

**WHEREAS,** the Municipal Utility Board of the Village of Penn Yan has reviewed the annual budgets for the 2017-2018 fiscal year and reviewed information relative to the existing rates and fees charged for water and sewer and has determined the same should be modified; and

**WHEREAS,** the Municipal Utility Board of the Village of Penn Yan has recommended to the Board of Trustees of the Village of Penn Yan that the following rates for water and sewer customers of the Village of Penn Yan be established; and

**NOW THEREFORE BE IT RESOLVED** that the following rates and fees are hereby established, effective June 1, 2017 until the same shall be modified or amended by subsequent resolution of the Village of Penn Yan

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

**MOTION:** by Trustee McLoud, seconded by Trustee Benedict to set a Public Hearing to repeal Local Law 2 and override the Tax Cap waiver for May 16, 2017 at 6:05PM and the village designated itself as lead agency for the SEQRA and determines there will be no environmental impacts and declares this to be a Type II action and no environmental review will be undertaken

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

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize to have an Executive Session for legal counsel regarding a real estate matter.

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

**MINUTES:**

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to approve the Village Board Minutes from on March 21, 2017, Budget Workshop minutes March 29<sup>th</sup> and Organization meeting April 3, 2017.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MOTION:** by Trustee McLoud, seconded by Trustee Condella to authorize the Penn Yan Area Volunteer Ambulance to hold a 5k race on Saturday May 20, 2017 from 9:30AM - Noon. Will start at Ambulance Corps up North Ave and down Flat Street to Shaw Road and back to finish at the ambulance.

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

Mayor MacKerchar mentioned the Friends of the Outlet Trail will be handing out information on the village portion of the trail near the Birkett Mills and also other selected sites along the Outlet trail on May 20<sup>th</sup> from 10:00am – Noon. This is in conjunction with the Wine Festival at the Hampton.

**MAYOR:**

**ATTORNEY:**

**MOTION:** by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 43-2017 Ratification of a Portion of Hamilton Place as a Public Street.

**WHEREAS,** an issue has arisen as to the status of a portion of Hamilton Place as a Village Street; and

**WHEREAS,** a Certificate by DPW Director Brent Bodine and an Affidavit by Working Street Supervisor Donald Rapalee having been received; and

**WHEREAS,** both DPW Director Bodine and Street Supervisor Rapalee, having affirmed that all portions of Hamilton Place have been maintained by the Village and used by the public continuously for over ten (10) years as a public street including the portion exhibited upon the attached map; and

**WHEREAS,** Village Law §6-626. “Street by prescription.” provides that lands within a Village used by the public as a street for ten (10) years or more continuously, shall be a street with the same force and effect as if it has been duly laid out and recorded as such; and

**WHEREAS,** the Board of Trustees intend to address SEQRA issues with respect hereto.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees of the Village of Penn Yan hereby establishes itself as “Lead Agency” for this action, determines that no negative environmental impacts will result, designates the Action as “Type II” pursuant to 6NYCRR§617 and accordingly no environmental review will be undertaken.
2. It is hereby found and determined that, based upon the Certificate made by DPW Director Bodine and the Affidavit of Street Supervisor Rapalee, all portions of Hamilton Place have been used continuously by the public as a street and that the Village has exercised control over Hamilton Place as a Village street including the portion exhibited upon the attached map, for a period in excess of ten (10) years.
3. Accordingly, it is hereby ratified and affirmed that the entirety of Hamilton Place is a public street, including the portion thereof exhibit upon the attached map.
4. That all steps necessary be taken to assure that all portions of Hamilton Place be included in the Village inventory of streets, the official map of Village streets and that any other requisite action with respect thereto be had.

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

**MOTION:** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 54-2017 Proposed Local Law Providing an Expedious Process for Determination that a Building or Structure is Uninhabitable or may not be safely occupied. Set a Public Hearing for May 16, 2017 at 6:00PM. (Local Law E)

**WHEREAS,** the Board of Trustees of the Village of Penn Yan deems it appropriate to consider a Local Law amending the “Fire Prevention and Building Construction” Chapter of the Village Code by adopting an expedious appeals process for determinations that a building or structure is uninhabitable and/or may not be safely occupied; and

**WHEREAS**, a proposed Local Law pertaining thereto has been drafted and circulated to the Board of Trustees; 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.

**Now Therefore, be it**

**RESOLVED**, that the Board of Trustees of the Village of Penn Yan hereby establishes itself as “Lead Agency” pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action; and be it further

**RESOLVED**, that the Board of Trustees of the Village of Penn Yan determines that the adoption of such a Local Law will have no detrimental effect upon the environment and is therefore declared a “Type II” Action under SEQRA and accordingly no environmental review will be undertaken; and be it further

**RESOLVED**, that a public hearing on the proposed Local Law is hereby scheduled for May 16, 2017 at 6:00 p.m. and that notice thereof be made by legal counsel.

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

Discussion: Trustee Reeve asked if these are similar to zombie homes. These are abandoned properties the code officer will inspect and place a big red X on the door of the property if he feels uninhabitable.

**COMMUNITY REVITALIZATION:**

No update

**MUNICIPAL:**

**MOTION:** by Trustee Allison, seconded by Trustee McLoud to authorize sending Jason Elliott to Aclara Meter School in Dover, NH; May 22-26, 2017; cost is \$800 for the school and \$105/night for hotel accommodations plus expenses.

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

**MOTION:** by Trustee Allison, seconded by Trustee McLoud to authorize sending Ron Keech to NYRWA Laboratory Training in Waterloo on April 27, 2017; cost is \$100.00.

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

**MOTION:** by Trustee Allison, seconded by Trustee Condella to authorize accepting MRB’s Letter of Proposal in the amount of \$82,000.00 to provide the engineering support for the CDBG 895PW158-16 Sheppard Street Water Main Replacement project.

Discussion: Greg Hotaling from MRB was present and very excited to be working with the Village. He mentioned if the board or DPW have questions to contact him. Greg stated they are not ready to start work yet still need drawings and paper work to file. Mr. Hotaling’s company will do any SEQRA and paperwork related to the project. Trustee Benedict thanked Mr. Hotaling for his letter it was informative.

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

**MOTION:** by Trustee Allison, seconded by Trustee Benedict to authorize Resolution No 53-2017 of Penn Yan’s intention to provide the Designation of Certifying Officer and Environmental Responsibility Certification to the Office of Community Renewal.

**WHEREAS**, the Village of Penn Yan intends to provide the Designation of Certifying Officer and Environmental Responsibility Certification to the Office of Community Renewal as part of the Community Development Block Grant for 2016, which was awarded to the Village of Penn Yan on December 8, 2016.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees of the Village of Penn Yan designates itself as “Lead Agency” for SEQRA purposes, determines that this is an “Unlisted” action and therefore a short Environmental Assessment Form (SEAF) has been prepared and reviewed as the June 21, 2016 Village Board Meeting.
2. The Mayor of the Village of Penn Yan, County of Yates and State of New York is hereby authorized as the official representative of the Village of Penn Yan to execute and submit the Designation of

Certifying Officer and Environmental Responsibility Certification to the administrative agency for the Community Development Block Grant for 2016, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information and/or documentation as may be required.

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

**MOTION:** by Trustee Allison, seconded by Trustee McLoud to authorize a change order to replace manhole 79 at the end of Monell as part of the Lake Street Manhole Repair/Replacement Project in the amount of \$26,400.00 to Shamrock Services, LLC.

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

**MOTION:** by Trustee Allison, seconded by Trustee Condella to authorize the Mayor to sign the Village Engineer Contract for the 2017-2018 fiscal year.

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

**MOTION:** by Trustee Allison, seconded by Trustee McLoud to authorize the purchase of the new Kubota KX080 Excavator for \$46,009.17 (base price was \$88,009.17 minus the \$42,000.00 net trade-in allowance of the old excavator from the water/sewer department) as per quote #746659.

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

**MOTION:** by Trustee Allison, seconded by Trustee McLoud to approve Utility Payment Agreements in the amount of \$8715.93

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

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		27,381.71
Electric		284,037.92
Sewer		7,269.71
Water		8,147.61
Capital Projects		
<b>Total Paid Before Audit</b>		<b>\$ 326,836.95</b>
<b>Current Audit:</b>		
General	\$	158,432.17
Community Development - CRC		-
Electric		12,910.78
Sewer		30,194.21
Water		34,496.47
Capital Projects		-
<b>Total Current Audit Items</b>		<b>\$ 236,033.63</b>
<b>TOTAL AUDIT</b>		<b>\$ 562,870.58</b>

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

**MOTION:** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 46-2017 Budget Transfers for 2016-2017 Fiscal Year for \$1,000.00 to cover high anticipated contractual costs.

**TO:**

Account Id	Description	Date	<u>Fund Totals</u>
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A -1325-4-410	Treasurer-Contractual Services	<u>1,000</u>		
		<u>1,000</u>		
			<b>General</b>	<b>1,000</b>
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
			-	<u>1,000</u>

**FROM:**

Account Id	Description	Date		
A -1325-4-470	Treasurer-Audit Fees	<u>1,000</u>		
		<u>1,000</u>		
			<b>General</b>	<b>1,000</b>
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
				<u>1,000</u>

Budget transfer within Treasurer cost center to cover higher than anticipated contractual costs, being offset by audit fees that will be under budget.

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

**MOTION:** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 47- 2017 Budget Transfers for 2016-2017 Fiscal Year for \$7,130.00 for unplanned/emergency repairs.

**TO:**

Account Id	Description	Date		Fund Totals
A -1620-4-410	Village Facilities-Contractual Services	1,389		
A -1620-4-500	Village Facilities-Supplies & Materials	<u>5,741</u>		
		<u>7,130</u>		
			<b>General</b>	<b>7,130</b>
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
			-	<u>7,130</u>

**FROM:**

Account Id	Description	Date		
A -1990-4-400	CONTINGENCY	<u>7,130</u>		
		<u>7,130</u>		
			<b>General</b>	<b>7,130</b>
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
				<u>7,130</u>

Budget transfers to village facilities accounts from contingency account to cover unplanned/emergency repairs that were needed for the village hall hot water tank and heating system.

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

**MOTION:** by Trustee Benedict, seconded by Trustee Allison to authorize Resolution No 48- 2017 Budget Transfers for 2016-2017 Fiscal Year for \$1,600.00 to cover cost for body cameras equipment.

**TO:**

Account Id	Description	Date		Fund Totals
A -3120-2-200	Police-Equipment	1,000		
A -3120-4-413	Police-Uniform Maintenance	100		
A -3120-4-450	Police-Computer Services	<u>500</u>		
		<u>1,600</u>		
			<b>General</b>	<b>1,600</b>
			<b>Electric</b>	-
			<b>Sewer</b>	-



			<b>Water</b>	-
			-	<u>1,600</u>
<b>FROM:</b>				
<b>Account Id</b>	<b>Description</b>		<b>Date</b>	
A -9015-8-800	Employee Benefits-Police Retirement	1,600		
		<u>1,600</u>		
			<b>General</b>	1,600
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
				<u>1,600</u>

Budget transfer from Police retirement account which has excess funds to police department accounts to cover cost of body cameras (equipment) and slight over runs in uniform maintenance and computer services.

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

**MOTION:** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 49 - 2017 Budget Transfers for 2016-2017 Fiscal Year for \$659.00 to cover costs for Fire Department to cover costs for health services and bunker gear.

				<b>Fund Totals</b>
<b>TO:</b>				
<b>Account Id</b>	<b>Description</b>		<b>Date</b>	
A -3410-4-415	Fire-Health Services	192		
A -3410-4-520	Fire-Bunker Gear/Bags/Gloves	467		
		<u>659</u>		
			<b>General</b>	659
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
				<u>659</u>
<b>FROM:</b>				
A -3410-4-412	Fire-Gas & Oil	659		
		<u>659</u>		
			<b>General</b>	659
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
				<u>659</u>

Budget transfer within fire department accounts to cover costs for health services and bunker gear which were slightly over budget, with budget being reduced for gas and oil.

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

**MOTION:** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 50 - 2017 Budget Transfers for 2016-2017 Fiscal Year for \$21,000.00 for waste water treatment plant to cover utilities, lab service, and training.

				<b>Fund Totals</b>
<b>TO:</b>				
<b>Account Id</b>	<b>Description</b>		<b>Date</b>	
ES-8130-4-420	Sewage Treatment-Phone/Internet/Utilities	17,000		
ES-8130-4-440	Sewage Treatment-Lab Services	3,500		
ES-8130-4-480	Sewage Treatment-Prof Fees/Publications	500		
		<u>21,000</u>		
			<b>General</b>	-
			<b>Electric</b>	-
			<b>Sewer</b>	21,000
			<b>Water</b>	-
				<u>21,000</u>
<b>FROM:</b>				
<b>Account Id</b>	<b>Description</b>		<b>Date</b>	
ES-8130-4-400	Sewage Treatment-Engineering	1,000		
ES-8130-4-410	Sewage Treatment-Contractual Services	2,000		

ES-8130-4-412	Sewage Treatment-Gas & Oil	2,100		
ES-8130-4-413	Sewage Treatment-Fees & Permits	250		
ES-8130-4-418	Sewage Treatment-Maint on Plant	5,377		
ES-8130-4-430	Sewage Treatment-Insurance	1,500		
ES-8130-4-450	Sewage Treatment-Computer Services	750		
ES-8130-4-470	Sewage Treatment-Audit Fees	328		
ES-8130-4-505	Sewage Treatment-Process Machinery	4,271		
ES-8130-4-530	Sewage Treatment-Other Chemicals	3,424		
		<u>21,000</u>		
			<b>General</b>	-
			<b>Electric</b>	-
			<b>Sewer</b>	<b>21,000</b>
			<b>Water</b>	-
				<u><b>21,000</b></u>

Budget transfers within the waste water treatment plant cost center to cover higher than budgeted costs for utilities, lab services, and training, with reductions being made in several accounts.

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

**MOTION:** by Trustee Benedict, seconded by Trustee Allison to authorize Resolution No 51- 2017 Budget Transfers for 2016-2017 Fiscal Year for \$660.00 water treatment plant to cover permits and maintenance contracts.

**TO:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Fund Totals</b>
EW-8320-4-413	Pumping & Purification-Fees & Permits	60	
EW-8320-4-419	Pumping & Purification-Maint Contracts	<u>600</u>	
		<u>660</u>	
			<b>General</b> -
			<b>Electric</b> -
			<b>Sewer</b> -
			<b>Water</b> <u>660</u>
			<u>660</u>

**FROM:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Fund Totals</b>
EW-8320-4-430	Pumping & Purification-Insurance	<u>660</u>	
		<u>660</u>	
			<b>General</b> -
			<b>Electric</b> -
			<b>Sewer</b> -
			<b>Water</b> <u>660</u>
			<u>660</u>

Budget transfer in water treatment plant cost center to cover slightly higher costs for permits and maintenance contracts, offset by lower than budgeted costs for insurance.

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

**MOTION:** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 52-2017 Budget Transfer for 2016-2017 Fiscal Year for \$4,415.00 cover higher than anticipated costs.

**TO:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Fund Totals</b>
EW-8340-4-400	Transmission & Distr-Engineering	2,400	
EW-8340-4-410	Transmission & Distr-Contracted Services	15	
EW-8340-4-415	Transmission & Distr-Maint on Hydrants	1,500	
EW-8340-4-420	Transmission & Distr-Phone/Internet/Util	<u>500</u>	
		<u>4,415</u>	
			<b>General</b> -
			<b>Electric</b> -
			<b>Sewer</b> -
			<b>Water</b> <u>4,415</u>
			<u>4,415</u>

**FROM:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Fund Totals</b>
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EW-9010-8-800	Employee Benefits-State Retirement	4,415	
		<u>4,415</u>	
			<b>General</b> -
			<b>Electric</b> -
			<b>Sewer</b> -
			<b>Water</b> <u>4,415</u>
			<u>4,415</u>

Budget transfer to cover higher than anticipated costs in a number of accounts within the water transmission cost center, with the offset being a reduction to the retirement account which will be underspent.

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

**MOTION:** by Trustee Benedict, seconded by Trustee McLoud to authorize either Clerk/Treasurer Meeks or DPW Director Brent Bodine to sign the renewal agreement with SCT Computers for IT services. (3 year contract)

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

**MOTION:** by Trustee Benedict, seconded by Trustee Condella to authorize the Re-levy of Water (\$1,932.37) & Sewer (\$1,576.07) rents to be forwarded to the County by May 2, 2017 for placement on Village taxes.

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

**MOTION:** by Trustee Benedict, seconded by Trustee Condella to authorize the Re-levy of lawn mowing services in the amount of \$751.00 to be forwarded to the County by May 2, 2017 for placement on Village taxes. (4 properties)

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

**PERSONNEL:**

**MOTION:** by Trustee Stewart, seconded by Trustee Condella to change Tom Dublin’s part time laborer status to full-time seasonal laborer, effective 4/24 – 9/22 pay rate unchanged at \$10.00 per hour.

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

**MOTION:** by Trustee Stewart, seconded by Trustee McLoud to create and recruit for a WWTP Operator Trainee, proposed start date will be after June 1, 2017

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

**MOTION:** by Trustee Stewart, seconded by Trustee Benedict Part time Police Officer, (conditional appointment on passing a background check and Yates County Personnel requirements). Kenneth Eldridge will attend Phase II at the Police Academy starting April 24, 2017, 4 – 6 weeks, and then field training. He will be paid minimum wage, during this timeframe.

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

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for March

**FIRE DEPARTMENT:**

Chief’s Report for March

FYI - Update for 2017 request to use Firemen’s field

**MOTION** by Trustee Allison, seconded by Trustee Condella to approve the new slate of Officers of the Penn Yan Fire Department voted on at the Fire Department April 6th, 2017 meeting. Fire Chief's for 2017-2018.

New elected officers:

<b><u>Chiefs</u></b>		<b><u>Captains</u></b>
Chief	Bill LaRock	Doug Rapalee
1 <sup>st</sup> Assistant	Frank Ellis	Paul Debrine
2 <sup>nd</sup> Assistant	Mike Pedersen	Rick Simpson Jr.
3 <sup>rd</sup> Assistant	Derek Christensen	

<b><u>Lieutenants</u></b>	<b><u>Board of Directors</u></b>
Robert Galusha	President – Rick Simpson Sr.
Brian Laursen	Vice President – Mike Carmel
Tim Marcellus	Treasurer – Steve Morse
	Secretary – Norm Koek

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

Trustee Allison thanked Chief Clancy for his 10 years of service as Chief and Assistant Chief for his dedication over the years, keeping equipment in good order, keeping training up. Mike thanked the board and his Chiefs for the help over the years and his wife Jennifer. Mike has been in the Department for 23 years. Mike commented things are changing the State Law will not allow members to be in more than one Fire Department. NYCOM is working on this to have members to be in more than one fire department. As our membership ages – it's very difficult to recruit from 18-25 years old. With 70 members the average age is 50's. Mike Thanked the Board and Gary again. Mayor MacKerchar introduced Derek Christensen as the new 3<sup>rd</sup> Assistant Chief to the Board.

**CODE ENFORCEMENT:**

**MOTION:** by Trustee Allison, seconded by Trustee McLoud to authorize the Mayor to sign the Proclamation for Building Safety Month - May- 2017

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

**PUBLIC WORKS:**

**MOTION:** by Trustee McLoud, seconded by Trustee Reeve to authorize a Village Cleanup Day for May 6<sup>th</sup> not to exceed \$4,000 in cost for the Village's split of the costs with Town of Milo.

Discussion: Mayor explained this is a joint venture between Milo and the Village. The ad has been placed in the Chronicle Express and Dundee Observer for three weeks.

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

**MOTION:** by Trustee McLoud, seconded by Trustee Reeve to authorize issuing a Notice of Award for hauling of household debris to Casella Waste Management for \$250/load and \$.15/lb. using a 20ft. box truck.

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

**MOTION:** by Trustee McLoud, seconded by Trustee Condella to authorize issuing a Notice of Award for hauling of materials to Long Milk Haulers as follows:

	<u>Price/Ton-Standard</u>	<u>Price/Ton-Gabion</u>
0-25 Miles	\$3.75	\$4.50
26-35 Miles	\$4.85	\$5.50
36-45 Miles	\$5.85	\$6.50
46-50 Miles	\$6.85	\$7.50
51+ Miles	\$7.85	\$8.50

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

**MOTION:** by Trustee McLoud, seconded by Trustee Reeve to approve the proposed vehicle/equipment rates for the 2017-2018 fiscal year.

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

**PARKS & RECREATION:**

**MOTION:** by Trustee Condella, seconded by Trustee Reeve to authorize to approve raising the rates for attending the summer program.

<u>New Rate</u>	<u>Old Rate</u>	
Free	Free	Village residents
\$25.00	\$15.00	Non-Village Residents
\$45.00	\$35.00	For a family

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

**PLANNING & DEVELOPMENT:**

Trustee Reeve explained with the Comprehensive Plan approved they will set up in 5 different work groups.  
Streets, Sidewalks and parking  
Parks & Outlet Trail  
Housing  
Gateways  
Overcoming Limits

**PLANNING BOARD:**

**MOTION:** by Trustee Allison, seconded by Trustee Condella to authorize up to four people to attend the spring 2017 Regional Local Government Workshop on May 19, 2017 at the Burgundy Basin Inn, Pittsford, NY. \$75.00 per person plus mileage.

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

**COMMENTS**

Trustee Allison gave a brief update on Basin Street – Wenzel & Wenzel are one week behind due to the rainy weather we have been having. They placed the top over the water way. Will be filling that over with dirt. Having new lighting like Main Street, sidewalk on Seneca Street. Looking at having a dumpster coral behind business. Trustee Allison thanks everyone for their patience during this reconstruction.

**EXECUTIVE SESSION:**

At 7:46 PM, **MOTION** by Trustee Benedict, seconded by Trustee McLoud to enter into Executive Session.

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

**ADJOURNMENT OF EXECUTIVE SESSION:**

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

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

**ADJOURNMENT:**

At 8:11PM, **MOTION** by Trustee Reeve, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

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

\_\_\_\_\_  
Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**