

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, May 16, 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; 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; Police Chief M. Hulse; CEO B. Lyon; Fire Chief B. LaRock

ABSENT: Trustee D. Reeve

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: Shaun Logue from MRB; Gene Mitchell; Renee Bloom; Chris Wright; Valerie Gardner; Mark Morris; Ethel Hoose

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

6:00 PM PUBLIC HEARING - Fire Prevention and Building Construction Chapter (Local Law E 2017)

At 6:00PM **MOTION** by Trustee McLoud, seconded by Trustee Benedict to open the Public Hearing for Fire Prevention and Building Construction Chapter (Local Law E 2017)

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Mayor asked if anyone had any comments or concerns.

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

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee McLoud, seconded by Trustee Benedict to authorize Resolution No 60 -2017: Adoption of Local Law Amending Article II of Chapter 92 Creating An appeals Process for Unsafe Structures.

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 was be undertaken: and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on May 16, 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 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Gene Mitchell presented a petition for 106 Stark Ave. which has approximately 36 signatures on it along with a family member. She also agrees with Mr. Mitchell and feels this needs to be torn down. He explained this house is in disrepair- huge hole in roof – house in side is beyond repair and has been condemned. The house is surrounded by debris. Mr. Mitchell is asking to have the Village demolish it. After a brief discussion Atty. Brockman and Code Enforcement will discuss this in more detail in the next week or so.

6:05 PM PUBLIC HEARING - Repeal Tax Cap (Local Law F 2017)

At 6:07 PM **MOTION** by Trustee Allison, seconded by Trustee McLoud to open the Public Hearing for Repeal Tax Cap (Local Law F 2017)

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Mayor asked if anyone had any comments or concerns. Mayor MacKerchar mentioned we passed a law to ensure that if our budget was unable to stay under the tax cap that we would have a law in place to do so and we came under. Mayor Thanked Gary, Holly and Finance Committee that we came under the tax cap. He stated we need to repeal the law that allowed us to go over it.

At 6:08PM MOTION by Trustee Allison, seconded by Trustee Condella to close the Public Hearing.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize Resolution No 61 -2017:
Adoption of Local Law Authorizing the Repeal of “Tap Tax cap Override Law of 2017”

WHEREAS, a proposed Local Law has been drafted and circulated to the Board of Trustees with respect to this matter; and

WHEREAS, the Board of Trustees intends to act as “Lead Agency” with respect to SEQRA issues related to this action; and

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan on said proposed local law on May 16, 2017.

NOW THEREFORE BE IT RESOLVED, THAT

1. 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.
2. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law.
3. The Deputy Clerk is directed, through the Village’s legal counsel, 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, including the entry thereof in the minutes of the Village Board Meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to have an Executive Session regarding the proposed sale of village property immediately following the meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MINUTES:

MOTION by Trustee Benedict, seconded by Trustee McLoud to approve the Village Board Minutes from April 18, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

GUESTS, PUBLIC REQUEST & COMMENTS:

Atty. Valerie Gardner was present thanked the Village Board that she could address the Board and audience to explain her experience for the upcoming Yates County District Atty. position. She discussed her contributions that she has made and what she could bring to the position. She has 21 years of experience and cares about this Community. During her time she has made major cuts to the budget. She is available if anyone would like to talk with her.

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Camp Good Days and Special Times the annual Tour de Teddi bike ride around Keuka Lake. The riders will pass through the village between the hours of 10:30am -11:30am. The course will turn down Keuka Street to Liberty Street to the east side of Keuka Lake. The ride is on Saturday, September 9, 2017. The Riders will depart at 10:00am from Camp Good Days in Branchport

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Yates County Chamber of Commerce 21st Cruisin’ Night & Block Party for Friday June 16, 2017. Asking to close Main Street starting at 3:30PM – 9:30PM from Chapel to Lake Street will leave the intersections at Main and Elm Street’s and Main and Water/Seneca Streets open for traffic as in the past. Also no parade will take place.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize the American Legion Johnson-Costello Post 355 to hold the annual Memorial Day Parade on Monday May 29th, event to start at 10:00AM. Parade begins at East Main Street and end at the Court House Lawn.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Mayor mentioned the MS- Finger Lakes Challenge (National Multiple Sclerosis Chapter) will hold a bike race on Saturday July 8 -9, 2017 will pass through Penn Yan from Cornwell Street, left onto North Ave. and right onto Hamilton Street to Flat Street.

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize Christa Disbrow –owner Mustang Pub requesting outdoor seating at 106-108 Elm Street. 4 sets of tables with 2 chairs each. Depending on the weather will place out in front from March – November. Historic and Public Safety committees both approved this.

Discussion; Trustee Benedict reminded the board of the provisions of the Comprehensive Plan and how the walkability is in the Village. Bruce Lyon stated all is fine with the width they have, it’s 5 feet between light pole and the fencing for walkers and wheelchairs.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Bruce Lyon explained for the Publick Coffee Bar the 6’ umbrellas were placed on hold from the Public Safety meeting, were afraid the umbrella would over hang the fencing and people would walk into them and get hurt. The tables and chairs were approved. Chris Wright was not aware of the umbrella issue until tonight. Mr. Wright mentioned if he used 5’ umbrellas would the Board approve those tonight. After a brief discussion Chris Wright decided he would wait until the umbrella issue was reviewed again and place all items out together (tables, chairs and umbrellas).

Mayor asked to have this Motion placed on hold until June’s meeting.

MOTION was placed on hold until June meeting to authorize Chris Wright – Publick Coffee Bar requesting outdoor seating at 13 Main Street. 2 sets of tables with 2 chairs each. Code will be revisiting the umbrella issue with Chris. Placing in front from May 1 – October 31. (Historic approved at 5/9/17 meeting)

Mayor MacKerchar stated we had a great turn out putting in the new Playground equipment at Red Jacket Park. Had approximately 82 people between the two days. A lot of Elks and Lyons Club members along with other community citizens turned out. Mayor thanked everyone for their time and energy making this possible.

Mayor MacKerchar mentioned he received word today the Governor announced the second round of Downtown Revitalization initiative is under way. It’s 10 million and feels it will be very competitive. Last year we applied and Geneva was awarded the money. We have another opportunity to apply we could do a lot of good things for our Community. Mayor has spoken with Steve Griffin at IDA and he has offered to complete our application this year at no cost to the Village.

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize and pursue the Mayor to sign the appropriate paper work to file for the Downtown Revitalization initiative application.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Shaun Logue from MRB explained their Company will be doing the work for Sheppard Street, Johnson and Myrtle Ave. This is a Type I action and will require a SEQRA and the Village will probably be lead agency. Atty. Brockman asked Shaun if they will be sending out the lead agency letters for the Village and Shaun replied yes – they will be doing all the necessary paper work.

ATTORNEY:

MOTION by Trustee McLoud, seconded by Trustee Stewart to authorize Resolution No 58-2017 Acquiring Easement for Existing Storm water Sewer Line on Clinton Street

WHEREAS, it has been determined by the Village Director of Public Works that an easement is necessary an existing for storm water sewer line crossing premises known as 360 Clinton Street, Penn Yan, New York; and

WHEREAS, entry onto private property is required for future maintenance of the storm water sewer line; and

WHEREAS, such entry necessitates an easement agreement with the property owners; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to address SEQRA issues related to this easement acquisition.

Now Therefore, be it

RESOLVED, The Board of Trustees designates itself as lead agency for SEQRA purposes, declares this to be a “Type II” action since it is existing infrastructure and therefore no environmental review will be undertaken.

RESOLVED, that the Mayor is authorized and directed to execute the necessary documents to effectuate the easement agreement, upon approval thereof by the Department of Public Works Director and the Village Attorney as to form and content and that such easement be recorded in the Yates County Clerk’s Office upon full execution at the expense of the Village.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee McLoud to authorize Resolution No 59-2017 Ratification of a Portion of Wagener Court and Leffert’s Lane as Public Streets.

WHEREAS, an issue has arisen as to the status of Wagener Court and Leffert’s Lane as Village Streets; 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 Wagener Court and Leffert’s Lane have been maintained by the Village and used by the public continuously for over ten (10) years as public streets; and

WHEREAS, Village Law §6-626. “Streets 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, Wagener Court and Leffert’s Lane have been used continuously by the public as streets and that the Village has exercised control over them as streets.
3. Accordingly, it is hereby ratified and confirmed that Wagener Court and Leffert’s Lane are public streets.
4. That all steps necessary be taken to assure that Wagener Court and Leffert’s Lane be included in the Village inventory of streets, the official map of Village streets and any other requisite action with respect thereto be had.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 70-2017 Granting a Quit Claim Deed for Property Adjacent to Lakeview Cemetery for purpose of Quieting Title.

WHEREAS, the Village of Penn Yan owns, operates and maintains certain real property known as Lakeview Cemetery as a part of its municipal services; and

WHEREAS, a small parcel of land adjacent to Lakeview Cemetery on the west, which has never been owned, claimed, used or occupied by the Village of Penn Yan as indicated by Mayor MacKerchar and DPW Director Bodine, is subject to a contract of sale to Keuka Housing Council, Inc., from Alan Hunt, along with other lands; and

WHEREAS, the small parcel of land in question, which is approximately 35 feet x 270 feet (approximately 9500 square feet, 0.22 acre) as depicted on the attached survey map, is subject to title questions; and

WHEREAS, a request has been made by legal counsel representing Keuka Housing Council, Inc. that the Village execute a quit claim deed to Keuka Housing Council, Inc. transferring any interest that the Village may have ever had in said small piece of real property.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan designates itself as “Lead Agency” for SEQR purposes, it is determined that there will be no environmental impacts resulting from this action, therefore this is a “Type II” action and accordingly no environmental review will be undertaken.
2. The Mayor is authorized to execute the subject quit claim deed, together with the requisite supporting documents, upon approval thereof as to form and content by the Village Attorney.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize Resolution No 71-2017 Authorizing Execution of Amended and Restated Development Agreement with Yates County and Keuka Outlet Development, Deed Transactions for Transfer of the Penn Yan Marine Property and Acceptance of Mortgage and Promissory Notes with Respect Thereto

WHEREAS, pursuant to prior Village of Penn Yan resolutions, including Resolution 8-2014 the Village of Penn Yan (the “Village”), together with the County of Yates (the “County”) and Keuka Outlet Development LLC (“Keuka”), entered into that certain Development Agreement dated as of February 26, 2014 (the “Development Agreement”) governing the terms and conditions of the redevelopment of the approximately 14.7 acres former Penn Yan Marine site on the east bank of the Keuka Outlet (the “Property”), which Development Agreement was made by the parties thereto and such Agreement was subsequently amended; and

WHEREAS, an Amended and Restated Development Agreement is proposed between the parties, a copy of which has been presented to the Board of Trustees; and

WHEREAS, Resolution 20 -2015 was previously adopted by the Board of Trustees authorizing transfer of certain property owned by the Village but occupied by Penn Yan Boat Co. and subsequently by Penn Yan Marine, which transfer was approved by the State of New York through local legislation; and

WHEREAS, the Village is prepared to convey the subject Property by Deed to Keuka and Keuka has informed the Village that it is prepared to close on the transfer of title on or before June 15, 2017 and move forward with the balance of its obligations under the Amended and Restated Development Agreement; and

WHEREAS, the Village Department of Public Works has completed certain infrastructure improvements in the furtherance of the Keuka Outlet Development project including water, street, sewer, storm water and electrical assets and has incurred expenses related thereto; and

WHEREAS, pursuant to the Amended and Restated Development Agreement the Village DPW will be obligated to provide further infrastructure improvements; and

WHEREAS, the Village has dealt with SEQR issues related to this action by seeking and accepting “Lead Agency” status, determining this to be a “Type I” action, completing an Environmental Assessment, adopted a Full Environmental Assessment Form and issued a “negative declaration” pursuant to Resolutions 88-2014 and 19 -2015.

Now Therefore, Be It Resolved That

1. The proposed Amended and Restated Development Agreement pertaining to the Keuka Outlet Development is approved and the Mayor is authorized and directed to execute same, subject to approval of the final draft thereof by the Mayor, the Village Attorney, the Village Clerk/Treasurer and the Village DPW Director.
2. The Mayor is further authorized and directed to execute such other legal documents, including, but not limited to deeds, in the furtherance of the implementation of the Amended and Restated Development Agreement, subject to the approval thereof by the Village Attorney, the Village Clerk/Treasurer and the Village DPW Director.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee McLoud, seconded by Trustee Condella to approve Resolution No 72-2017 Declaring the Intent to be Lead Agency.

WHEREAS, the Village of Penn Yan Village Board of Trustees (hereinafter referred to as Village Board) has reviewed the SEQR Full Environmental Assessment Form (EAF) Part 1, prepared by the MRB Group (hereinafter referred to as Village Engineer) on the above referenced Village of Penn Yan Water System Improvements Project (hereinafter referred to as Action); and

WHEREAS, the Village Board determines that said Action is classified as an Unlisted Action under the State Environmental Quality Review (SEQR) Regulations; and

WHEREAS, the Village Board determines that said Action is also subject to a coordinated review and approval by other involved agencies under SEQR Regulations; and

WHEREAS, the Village Board determines that it is the most appropriate agency to insure the coordination of this Action and will provide written notifications to involved agencies, for the purposes of conducting a coordinated review and making the determination of significance thereon under the SEQR Regulations.

NOW, THEREFORE BE IT RESOLVED that the Village Board does hereby declare its intent to be designated as the lead agency for the Action, and identifies that it is an Unlisted Action pursuant to SEQRA; and

BE IT FURTHER RESOLVED, that the Village Engineer is directed to provide notice hereof to the involved and interested agencies, seeking their agreement (or objection thereto) in writing on or before noon on **Monday, June 19, 2017**; and

BE IT FURTHER RESOLVED, that the Village Board also shall undertake the necessary County Planning Board referrals to Yates County pursuant to General Municipal Law section 239.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee McLoud, seconded by Trustee Benedict to authorize Resolution No 62-2017 Local Law to Establish Signage at the Intersection of the Village Streets of East Main Street/Sherman Street/Old 14a and Himrod Road, and set a Public Hearing for June 20, 2017 at 6:10PM.

WHEREAS, the Village Director of Public Works has recommended the adoption of a Local Law formalizing the placement of stop signs at the intersection of East Main Street/Sherman Street/Old 14A and Himrod Road.

WHEREAS, a Local Law for that purpose has been prepared and circulated to the Board of Trustees; and

WHEREAS, it appears that there will be no environmental impacts resulting from such action.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Trustees declares itself “Lead Agency” for SEQRA purposes relating hereto. It is determined that no environmental impacts will result from this action and accordingly this is declared to be a Type II action. Therefore no environmental review will be untaken.
2. A public hearing on the proposed Local Law is hereby scheduled for June 20, 2017 at 6:10 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

COMMUNITY REVITALIZATION:

MOTION by Trustee McLoud, seconded by Trustee Benedict to authorize the façade application from Duane Weldon for 100-102 Main Street, for installation of (2) awnings and (2) Signs total of \$18,175 of which \$9,087.50 would be in a grant, and \$9,087.50 would be as a loan, which would be paid at time of closing.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Benedict to accept the proposed expansion for the Milo Water District #1 and Milo Sewer district 1-2 with the understanding that Milo will update their boundary description attached to the existing agreement with the Village of Penn Yan.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize the purchase of an Altec AN55E bucket truck (Truck 5) under NJPA Contract #31014 for the amount of \$272,356.00 and to authorize Gary Meeks to execute all documents associated with the purchase.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee Condella to authorize the purchase of a 2017 Toyota Highlander (Car 1) from Northway Toyota for \$37,306.77 and to authorize Gary Meeks to execute all documents associated with the purchase.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee Condella to appoint Brent Bodine as the delegate from Penn Yan for the NYMPA Annual Meeting May 24th, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee McLoud to the Village Board authorizing Brent Bodine to sign the Mutual Aid Agreement with American Public Power Association.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee Condella to authorize sending Brent Bodine and Don Dixon to the MEUA Central Regional Meeting in Watkins Glen on June 7, 2017 at 9:00am at a cost of \$50.00/person.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee Condella to authorize sending Ron Keech, Chad Covell, Rob Ayers, Jeff Hulse, Don Dixon, Bill Jensen, and Dave Cohick to the FLWW Spring workshop in Canandaigua on June 1st, 2017 at a cost of \$25.00/person.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize sending Rob Ayers to the 2017 Class D Operator Certification Course in Tonawanda; September 11-12, 2017; cost is \$375 for the class and \$90/night for hotel accommodations plus expenses.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, seconded by Trustee Benedict to approve Utility Payment Agreements in the amount of \$7,644.81

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart

Nays 0 Abstain 0 Absent Reeve

Brent mentioned the 34KV loop project with O’Connell Electric on North Ave. should be energized next week.

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		26,735.58
Electric		307,794.69
Sewer		6,796.98
Water		7,536.22
Capital Projects		
Total Paid Before Audit		\$ 348,863.47
Current Audit:		
General	\$	195,606.99
Community Development - CRC		-
Electric		9,209.35
Sewer		101,664.51
Water		16,911.56
Capital Projects		15,204.32
Total Current Audit Items		\$ 338,596.73
TOTAL AUDIT		\$ 687,460.20

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 63-2017 Budget Transfers for 2016-2017 Fiscal Year negative balances in Streets and Emergency Disaster make funds available to purchase a used roller for the Streets Department.

TO:			Fund
Account Id	Description	Date	Totals
A -5110-2-200	Street Maintenance-Equipment	32,450	
A -5110-4-410	Street Maintenance-Contractual Services	1,500	
A -5110-4-520	Street Maintenance-Salt & Sand	1,110	
A -8760-4-400	Emergency Disaster-Engineering	5,000	
A 8760-4-410	Emergency Disaster -Contractual Services	<u>8,151</u>	
		<u>48,211</u>	
			General 48,211
			Electric -
			Sewer -
			Water -
			- 48,211
FROM:			
Account Id	Description	Date	
A -5110-2-210	Street Maintenance-Asphalt Concrete	16,700	
A -5110-2-230	Street Maintenance-Crack Filling/Chip Sealing	3,500	
A -5110-2-260	Street Maintenance-Storm Sewer Maint.	5,358	
A -5110-4-480	Street Maintenance-Prof Fees/Publication		

		1,500		
A -5110-4-540	Street Maintenance-Signs & Posts	2,000		
A -8760-1-100	Emergency Disaster-Personal Services	12,000		
A -8760-2-210	Emergency Disaster - Asphalt Concrete	5,050		
A -8760-4-415	Emergency Disaster-Landscape/Tree Remove	510		
A -9010-8-800	Employee Benefits-State Retirement	<u>1,593</u>		
		<u>48,211</u>		
			General	48,211
			Electric	-
			Sewer	-
			Water	-
				<u>48,211</u>

Budget transfers to clean up negative balances in Streets and Emergency Disaster departments and to make funds available for the purchase of a used roller for the Streets department.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize the annual payment to the Yates County Historical for \$3,500 for June 1, 2017.

ADOPTED Ayes 5 MacKerchar, Allison, Benedict, Condella, McLoud
Nays 0 Abstain Stewart Absent Reeve

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize the annual payment to the Penn Yan Library for \$1,000 for June 1, 2017.

ADOPTED Ayes 5 MacKerchar, Allison, Benedict, Condella, McLoud
Nays 0 Abstain Stewart Absent Reeve

MOTION by Trustee Benedict seconded by Trustee McLoud to authorize payment to VFIS for annual LOSAP premium in the amount of \$112,371.00 Payment to be made on June 1, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 64-2017 Make Determinations Required by Section 1402 (3) (d) of the Real Property Tax Law.

WHEREAS, the Village of Penn Yan has by Local Law No. 8 of 1989, adopted pursuant to Section 1402 (3) (a) of the Real Property Tax Law, ceased to be an assessing unit, and

WHEREAS, the Village tax levy must henceforth be allocated among the portions of the Village located in the Towns of Milo, Benton and Jerusalem, pursuant to the provisions of Section 1402 (3) (d) of the Real Property Law, and

WHEREAS, this Board has secured from the New York State Board of Equalization and Assessment (the "SBEA") a certificate stating the latest state equalization rates established by the SBEA for each Town in which the Village of Penn Yan is partially situated as follows:

TOWN	FINAL RATE
Benton	100.00
Jerusalem	92.00
Milo	97.00

and

WHEREAS, this Board is to determine what proportion of the 2017-2018 taxes to be levied in the Village shall be levied upon each part of a town included in the Village by dividing the full valuation of taxable property, in the appropriate part of each town, by the total in the Village.

NOW, THEREFORE, BE IT RESOLVED that this Board, pursuant to Section 1402(3) (d) of the Real Property Tax Law, hereby makes the following determinations:

1. Based upon the assessment roll provided by the several towns, the assessed valuation of taxable real property located in each portion of the Village is as follows

Benton	\$ 18,987,651
Jerusalem	4,840,984
Milo	<u>170,905,211</u>
	\$ 194,733,846

2. Dividing the above assessed valuations by the aforementioned equalization rates, the full valuation of taxable real property located in each portion of the Village is as follows:

Benton	\$ 18,987,651
Jerusalem	5,261,939
Milo	176,190,939

for a total Village full valuation of \$ 200,440,529

3. The proportion of the 2017-2018 tax to be levied upon each portion of the Village (expressed to the nearest exact ten thousandth as required by Section 1402 (3) (d), obtained by dividing the town full valuation totals by the Village full valuation total, is as follows:

Benton	.094730
Jerusalem	.026252
Milo	.879019

And be it further

RESOLVED that the 2017-2018 Village tax levy shall be levied upon each part of each town included in the Village in the following proportions:

Benton	9.473 %
Jerusalem	2.625 %
Milo	<u>87.902 %</u>
	100.00 %

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 65-2017 2017-2018 Tax Levy

WHEREAS, THE Village Board of Trustees has adopted a budget for the fiscal year 2017-2018 pursuant to Section 5-508 of the Village Law.

NOW, THEREFORE BE IT RESOLVED, that the following tax levy be adopted levying the total taxes and other charges extended and levied against each parcel of real property shown on the roll prepared by several town assessors for the fiscal year 2017-2018:

General Fund Tax Levy	\$ 2,888,047.00
TOTAL TAXES FOR 2017-2018 BUDGET	2,888,047.00
Delinquent Water Rents & Charges	1,932.37
Delinquent Sewer Rents & Charges	1,576.07
Mowing Charges	751.00
Snow Removal Charges	00.00
TOTAL TAX LEVY	\$ 2,892,306.44

and be it further

RESOLVED, that there be levied and assessed against taxable real property located in each part of a town included in the Village of Penn Yan, pursuant to Section 1402(3) (d) of the Real Property Tax Law and the determinations made by this Board, in accordance with said law, in its Resolution No. 64 - 2017, the following sums for the operation of Village government for the fiscal year beginning, June 1, 2017, at the following rates per thousand dollars of assessed valuation:

<u>Town</u>	<u>% Tax Levy</u>	<u>Tax Levy</u>	<u>Assessed Valuation</u>	<u>Tax Rate per 1000</u>
-------------	-------------------	-----------------	---------------------------	--------------------------

Benton	9.4730	273,583.58	18,987,651	14.408499
Jerusalem	2.6252	75,816.65	4,840,984	15.661412
Milo	<u>87.9018</u>	<u>2,538,646.77</u>	<u>170,905,211</u>	14.854122
	100.0000	2,888,047.00	194,733,846	

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 66-2017 Tax Warrant

YOU ARE HEREBY COMMANDED to receive and collect from the several persons named in the tax roll hereunto annexed, the several sums stated in the last column hereof opposite their respective names, being a total of \$2,892,306.44 for the following purposes:

<i>Town of:</i>	<i>Benton</i>	<i>Jerusalem</i>	<i>Milo</i>	<i>Total</i>
2017-18 Tax Levy	273,583.58	75,816.65	2,538,646.77	\$2,888,047.00
Re-levied Water Rents	00.00	-	1,932.37	1,932.37
Re-levied Sewer Rents	00.00	-	1,576.07	1,576.07
Mowing Charges	-	-	751.00	751.00
Snow Removal Charges			00.00	00.00
	\$273,583.58	\$75,816.65	\$2,542,906.21	\$2,892,306.44

YOU ARE FURTHER COMMANDED to receive and collect such sums without additional charges between the first day of June and the first day of July, 2017, both inclusive; and thereafter to collect with such sums as have not theretofore been collected, and additional interest charge of five per centum for the first month or fraction thereof, at the annual rate as set by the State Tax Commissioner, which has been divided by twelve and rounded to the nearest hundredth of a percent.

YOU ARE FUTHER COMMANDED to return the tax roll and warrant to your office on or before the thirty-first of October 2017, and to deliver to the Board of Trustees at the same time an account of the taxes remaining due and unpaid, what each parcel of real property is assessed for and showing as to each parcel the amount of tax unpaid. Transmittal of delinquent village taxes shall be, with resolution, made to the County Treasurer by November 11, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

PERSONNEL:

MOTION by Trustee Stewart, seconded by Trustee Benedict to authorize as per Section 9.5 of the CSEA contract, effective June 1, 2017 Street Department Second in Command assignment to Erik Decker. He will receive a stipend of \$1.00 per hour more than the contractual hourly rate for HEO, to be evaluated for renewal at least annually.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee Condella to authorize per Section 9.5 of the CSEA contract, effective June 1, 2017 Water/Sewer Crew Second in Command assignment to Jeff Hulse. He will receive a stipend of \$1.00 per hour more than the contractual hourly rate for Water/Sewer Maint. Worker, to be evaluated for renewal at least annually.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee McLoud to authorize Resolution No 67-2017 Non-Union Salary schedule June 1, 2017-May 31, 2018.

			ANNUAL	BI-WEEKLY
		no		
MAYOR	MacKerchar	increase	4835	185.96
TRUSTEES		2%	3986	153.32
COMMISSIONERS		2%	2568	98.79
MUB				
CHAIR	French	2%	2909	111.89
		no		
HEALTH OFFICER	Dewitt	increase	3000	115.38
		no		
HISTORIAN	Dumas	increase	1200	46.15
		no		
ACTING JUSTICE	Grace	increase	3000	115.38

VILLAGE ATTORNEY	Brockman	2.00%	31791	1222.74	
VILLAGE JUSTICE	Conlon	2.00%	21186	814.86	
					HOURLY RATE
DEPUTY CLERK	Morse	2.00%	43335	22.22	
DEPUTY CLERK	Martin	2.00%	42934	20.64	
DEPUTY CLERK/ TREASURER	Pealer	2.00%	48426	23.28	
CLERK/TREASURER	Meeks	2.00%	70331	33.81	
DIRECTOR OF PUBLIC WORKS	Bodine	2.00%	77274	37.15	
ASSISTANT DIRECTOR OF PUBLIC WORKS	Jensen	2.00%	59322	28.52	
CODE ENFORCEMENT OFFICER	Lyon	2.00%	48426	23.28	
CONFIDENTIAL ASSISTANT TO THE CHIEF	Pedder	2.00%	40186	19.32	
RECREATION & FACILITIES DIRECTOR	Doyle	2.00%	51309	24.67	
COURT CLERK	Griffin	2.00%		15.10	
COURT CLERK	Swarthout	2.00%		11.46	
SECRETARY P/H/Z	Duryea	2.00%		17.84	
CHIEF OF POLICE	Hulse	2.00%	76407	36.73	
PART TIME OFFICERS 20+ YEARS SERVICE		no increase		20.00	
PART TIME OFFICERS < 20 YEARS SERVICE		no increase		18.00	

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee Benedict to authorize Resolution No 68-2017 Establish hourly pay rates/ranges for seasonal part-time employees.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee Condella to authorize seasonal hiring as follows.

Laborers: New hire \$9.70 per hour start in Mid-May
 Kyle Welker - Nicholas Griffin - Tate Stewart -Daryl Harris

Recreation Assistant: \$9.70 per hour start in June
 Craig Gerhardt new hire

Life Guards: \$11.25 per hour start in June
 Robert Wigsten re-hire
 Scott Finger re-hire

Life Guards: \$11.25 per hour start in June
 Josh Brewster new hire

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee McLoud to approve Resolution No 69-2017 Standard Work Day and Reporting Resolution for Elected and Appointed Officials.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee Benedict to accept Jason Elliott’s letter of resignation as Electric Superintendent effective May 5, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee Condella to authorize Mayor MacKerchar sign the 2017-2018 Terms and Conditions of Employment agreements for Non-Union personnel.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart

Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee McLoud to authorize the Memorandum of Understanding between the Village of Penn Yan and CSEA regarding discontinuing annual employee performance evaluations. During the first year of employment evaluation will be done at 6 months intervals.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee McLoud to authorize to hire Derek Whitney MEO (L) full time starting June 5, 2017 Group 4 –Step Start \$20.40 per hour.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded Trustee Condella to authorize the Creation for an additional position in an already established entrance Level Classification for a full-time Police Officer.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded McLoud to authorize the conditional offer to hire Kathryn Zebrowski full-time Police Officer. Starting date May 26, 2017, Group 1- Step 1 \$49,413.00 annual Salary.

Discussion: Chief Hulse asked to have the motion amended, it should not have the conditional offer, she has been already been offered and she accepted. Trustees Stewart and McLoud will amend the initial Motion.

MOTION by Trustee Stewart, seconded McLoud to authorize to hire Kathryn Zebrowski full-time Police Officer. Starting date May 26, 2017, Group 1- Step 1 \$49,413.00 annual Salary.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee Condella to authorize the provisional promotion of Charlie Bush to Line Crew Chief Group XI Step 13, rate of \$32.34 per hour, contingent on passing the Civil Service exam, effective May 17, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Stewart, seconded by Trustee Benedict to authorize the provisional promotion of Michael Mullins to Senior Line Worker Group IX Step 9; rate \$29.49 per hour, contingent on passing the Civil Service exam, effective May 17, 2017.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for April

FIRE DEPARTMENT:

Trustee Allison congratulated Chief LaRock on his new position. Chief LaRock thanked him and expressed to the board he is excited to work with them.

Chief’s Report for April

MOTION by Trustee Allison, seconded by Trustee Benedict to approve the Fire Department – Garverick Plan for the LOSAP Point System from January 1, 2016 – December 31, 2016. Our insurance agent will submit the report.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Mayor mentioned the LOSAP Audit has been completed thru March 31, 2017 by Trustee Benedict and Fire Chiefs. Mayor Thanked Trustees Benedict, McLoud and Fire Chiefs for this.

MOTION by Trustee Allison, seconded by Trustee McLoud to sell approximately 67 Gamewell boxes in various conditions as surplus.

Discussion: Brent Bodine stated the boxes have been reviewed by Glenn Miller and came up with the value of the different boxes. Trustee Benedict mentioned it was determined at Public Safety meeting we would use the midpoint of the ranges to sell the boxes.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

CODE ENFORCEMENT:

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize the Village to cut the high grass and weeds and remove rubbish at the following addresses and place the necessary cost plus 10% on the tax bill for the next year (2018).

- | | | |
|------------------|------------------|-------------------|
| 542 Liberty St. | 540 Liberty St. | 113 McKinley Ave. |
| 107 Cornwell St. | 127 Franklin St. | 154 Cornwell St. |
| 155 Cornwell St. | 144 Stark Ave. | 106 Stark Ave. |
| 132 Henry St. | 112 Clinton St. | 117 South Ave. |

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded Allison to authorize the purchase of the DPW roller from Anderson Equipment in the amount of \$32,250.00.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee McLoud, seconded by Trustee Stewart to authorize the Mayor signs the Consultant Supplemental Agreement No 1 for Penn Yan Bike-Ped Connections PIN 6754.87 with Fisher Associates not to exceed \$109,000 once negotiations are finalized.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Brent stated the Owl’s nest parking lot has been filled in- sidewalk along Seneca Street is now open to pedestrian traffic, still need to get it paved. We are waiting for fencing to go between the columns plus the caps. Brent reminded everyone it’s been 3 years and 2 days since the flood. He mentioned we have one more project on Clinton Street to complete and will be going out for bid on that next month. Trustee Benedict questions if the Basin Street parking lot will be leveled. Brent explained this is very close if not at the final grade.

Mayor thanked everyone that came out to help at the clean-up day on May 6. This was a joint deal with the Township of Milo. A very successful day even with the rainy weather. Had a lot of TV’s, monitors and other items.

PARKS & RECREATION:

MOTION by Trustee Condella, seconded by Trustee McLoud to approve the CareNet’s request to host a softball tournament at Larham’s field on July 1, 2017 from 9:00 AM to 4:00 PM.

Discussion: Brent stated we have installed new electric service at the Larham’s field this week. Trustee Condella mentioned Dan Doyle did an excellent job organizing everything for the new playground at Red Jacket with Lyons and Elks Clubs.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

PLANNING & DEVELOPMENT:

PLANNING BOARD:

COMMENTS

EXECUTIVE SESSION:

At 7:07 PM, **MOTION** by Trustee Allison, seconded by Trustee Condella to enter into Executive Session.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:20 PM, **MOTION** by Trustee Benedict, seconded by Trustee Allison to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

SEQRA – Water system Improvement Project – Sheppard Street, Johnson and Myrtle Avenue

Atty. Brockman reviewed Part 1 of the Full Environmental Assessment Form (FEAF) from the Johnson Ave., Myrtle Ave. and Sheppard Street water system improvement Project,

MOTION by Trustee Benedict, seconded by Trustee Allison to approve Part 1 of the Full Environmental Assessment Form (FEAF) from the Johnson Ave., Myrtle Ave. and Sheppard Street water system improvement Project, authorize and direct the Mayor to execute the Part 1 of the FEAF and authorize and direct the Mayor to execute and forward correspondence to involved and interested agencies regarding the Village’s intent to seek “Lead Agency” status on the project.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

ADJOURNMENT:

At 7:33 PM, **MOTION** by Trustee Benedict, seconded by Trustee Condella to adjourn the regular Village Board meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Condella, McLoud, Stewart
Nays 0 Abstain 0 Absent Reeve

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: