

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, May 17, 2016 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor L. MacKerchar; Trustees C. Benedict; D. Condella; K. McLoud; 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:** Trustee W. Allison

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

**PUBLIC:** District Attorney Valerie Gardner, Bill Laffin, Mark Morris, Sarah Minns, Shannon Leavy

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

District Attorney Valerie Gardner presented Chief Mark Hulse a check for \$1750.01 this is a portion of the Yates County District Attorney Seizure & Forfeiture account. This is from the liquidation of assets seized during criminal investigation. These funds are shared by the state, DA, and law enforcement. Dist. Atty. Gardner states this is a tremendous amount of work for the Police Dept. pursuing drug activity in the County. She works very close with Chief Hulse and Investigator Dunham; everyone is trying so hard to combat this drug problem. She stated we should be very proud of our Police Dept. They are doing a terrific job and she offered her assistance where possible. Chief Hulse thanked Dist. Atty. Gardner for the check and he mentioned this will be used for further drug enforcement and the fight against the heroin problem.

**6:00 PM PUBLIC HEARING** – Adoption of a Local Law D Authorizing the Repeal of the 0.12% Tax Cap Override law of 2016.

At 6:14PM **MOTION** by Trustee Benedict, seconded by Trustee Stewart to open the Public Hearing.

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

Mayor MacKerchar asked if anyone had any questions or concerns regarding the Tax Cap Override. Chris Wright asked Mayor to explain this better. Mayor MacKerchar stated we passed a Local Law to allow us to override the Tax Cap if need to and we are under the Tax Cap – so we have to do another Local Law to repeal the first one.

At 6:16PM **MOTION** by Trustee Benedict, seconded by Trustee Condella to close the Public Hearing.

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

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to authorize Resolution No. 60-2016 Adoption of a Local Law Authorizing the Repeal of the 0.12% Tax Cap Override law of 2016.

**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 17, 2016.

**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 hereby adopts the 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, Benedict, Condella, McLoud, Reeve, Stewart  
Nays 0 Abstain 0 Absent Allison

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize to have an Executive Session for legal counsel.

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

**MINUTES:**

**MOTION** by Trustee Benedict, seconded by Trustee Condella to approve the Village Board Minutes from April 19, 2016.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize Geneva’s Relay for Life event, to decorate the Village of Penn Yan, for Paint the Town Purple in conjunction with Geneva’s event on June 4, 2016. The group will place purple ribbons/bows and small yard signs up on May 21 or 22 and take down on June 5<sup>th</sup>.

Discussion: Penn Yan chapter will not be holding a Relay for Life this year, instead if anyone is interested in participating they may do so with the Geneva chapter.

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

**MOTION** by Trustee Reeve, seconded by Trustee McLoud to authorize Johnson-Costello Post to hold the annual Memorial Day Parade on Monday May 30<sup>th</sup>, event to start at 10:00AM. Parade begins at East Main Street and end at the Court House Lawn.

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

**MOTION** by Trustee Reeve, seconded by Trustee McLoud to authorize the Yates County Chamber of Commerce 20<sup>th</sup> Cruisin’ Night & Block Party for Friday June 17, 2016. 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, Benedict, Condella, McLoud, Reeve, Stewart  
Nays 0 Abstain 0 Absent Allison

Mayor MacKerchar mentioned on Saturday, September 17, 2016 Camp Good Days and Special Times will hold their annual Tour de Teddi bike ride around Keuka Lake. Riders will depart at 10:00am from Camp Good Days in Branchport and pass through the village to the east side of Keuka Lake.

**MAYOR:**

**ATTORNEY:**

**MOTION** by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 64-2016 Regarding Permanent Access Easement through Carey’s Lumber and Building Supply to the “Waterfront Pathway” this is a Type II action.

**WHEREAS**, it has been determined by the Village Director of Public Works that an access easement is necessary for the use of Village and emergency personnel to gain access to the Easterly end of the “Waterfront Pathway”; and

**WHEREAS**, Carey’s has agreed to provide such access easement upon certain conditions; and

**WHEREAS**, such entry necessitates permanent easement agreement with Carey’s Lumber and Building Supply; and

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

**Now Therefore, be it**

**RESOLVED**, The Board of Trustees is designated as the “Lead Agency” for the SEQRA review of this action, determines that this will not result in any adverse environmental impacts, therefore this is classified as a “Type II” action and accordingly 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 as to form and content by the Village Department of Public Works Director and the Village Attorney.

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

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to authorize Resolution No 66-2016 Approval of Agreement with Knapp & Schlappi Lumber Company Inc.

**WHEREAS**, the Village of Penn Yan (Village) has requested a conveyance of a small Parcel of land from Knapp and Schlappi Lumber Co., Inc. (Knapp and Schlappi) for the improvement of Mace Street as well as an easement for installation of municipal utility infrastructure on Hick Street; and

**WHEREAS**, in consideration for same Knapp and Schlappi has requested certain action by the Village and an agreement has been drafted with respect thereto; and

**WHEREAS**, SEQRA has been previously completed with respect to both the proposed property conveyance and the easement for utility infrastructure.

**Now Therefore, be it Resolved That:**

1. The actions required by the proposed Agreement by the Village are in the nature of maintenance and improvement of Village infrastructure, are therefore in the nature of a Type II action pursuant to SEQRA will not result in any adverse environmental impact and accordingly no environmental review will be undertaken.
2. The Mayor is authorized and directed to execute the proposed Agreement with Knapp and Schlappi as well as perform any other acts necessitated to comply with the terms and conditions thereof.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 74-2016 the Easement Agreement between Mary Ann Townsend and the Village of Penn Yan. The Village of Penn Yan will be Lead Agency and to be an unlisted action for the SEQRA and authorize and direct the Mayor to execute such agreements.

**WHEREAS**, the Village of Penn Yan is undertaking public utility infrastructure improvements in the vicinity of the Ryder Substation in the Franklin Street/Sherman Street vicinity, for municipal electric and sanitary sewer lines; and

**WHEREAS**, an easement for such infrastructure will be required on private property, now or formerly owned by the Townsend family; and

**WHEREAS**, a map of a survey of the proposed easement has been prepared based upon a survey performed by Hoffman Land Surveying with respect to the proposed easement; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan intends to act as “Lead Agency” for this action for SEQRA purposes;

**Now Therefore, Be It Resolved That:**

1. The Board of Trustees designates itself as “Lead Agency” for SEQRA purposes of this action, declares this to be an “unlisted action” and therefore a Short Environmental Assessment Form (SEAF) will be prepared.
2. The Board of Trustees approves the acquisition of the easement through the now or formerly Townsend property for installation of public utility infrastructure and the Mayor is authorized and directed to execute such easement agreement as well as any documents required with respect thereto in a format and with content approved by the Director of Public Works and the Village Attorney.

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

Atty. Brockman reviewed in full the Review the SEQR (Short Environmental Assessment Form) Easement for electric and sewer Infrastructure at Franklin Street – Ryder Substation.

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 73 – 2016 SEQRA Review and Authorization For “Owl’s Nest” Project and designates itself as “Lead Agency” for the SEQRA and Declares this to be a “Unlisted Action” and authorize the Mayor to execute the necessary documents.

**WHEREAS**, the Village of Penn Yan (Village) recently acquired a parcel of land formerly occupied by a structure known as the “Owl’s Nest”, which structure was destroyed in the flood of 2014; and

**WHEREAS**, the Village has obtained FEMA funds for the improvement of that property as a public parking area; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan intends to address SEQRA issues related thereto.

**Now Therefore, be it**

**RESOLVED**, that Board of Trustees designates itself as “Lead Agency” for SEQRA purposes, declares this to be an “Unlisted Action” and therefore a Short Environmental Assessment (SEAF) form will be prepared.

**RESOLVED**, that the Mayor is authorized and directed to execute the necessary documents required for the furtherance of this project, upon the approval as to the form and content thereof by the DPW Director and the Village Attorney.

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

Atty. Brockman reviewed in full the Review the SEQR (Short Environmental Assessment Form) Flood Repairs for the former Owl’s Nest site.

**COMMUNITY REVITALIZATION:**

Mayor MacKerchar and Trustee Stewart discussed there is money in the façade program. Reminded people this is ½ loan and ½ grant. A great opportunity to help renovate stores fronts. Mayor mentioned we are looking at sending out letters to homeowners.

**MUNICIPAL:**

**MOTION** by Trustee Reeve, seconded by Trustee McLoud to authorize 3 people to attend one of the MEUA Regional Meeting in June (locations are Plattsburgh on June 1<sup>st</sup>, Churchville on June 22<sup>nd</sup> or Solvay on June 29<sup>th</sup>).

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

**MOTION** by Trustee Reeve, seconded by Trustee Benedict to accept the blanket electric bid from Stuart C. Irby Co. Utilities for the 2016-2017 fiscal year.

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

**MOTION** by Trustee Reeve, seconded by Trustee McLoud to authorize having a Public Hearing June 21, 2016 at 6:00PM with regards to the CDBG Grant funding for a water main replacement on Sheppard Street, Johnson Avenue and Myrtle Avenue.

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

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize Bob Elliott to come up with a written recommendation of what the Village of Penn Yan would require from Town of Milo to serve as leak detection for this new water line.

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

**MOTION** by Trustee McLoud, seconded by Trustee Condella to accept the bid from Gotta Do Contracting, LLC in the amount of \$.054/gallon for hauling liquid sludge for the 2016-2017 Fiscal Year.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to approve Utility Payment Agreements in the amount of \$10,477.80.

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

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		26,332.93
Electric		244,212.54
Sewer		8,220.13
Water		8,293.86
Capital Projects		
<b>Total Paid Before Audit</b>		<b>\$ 287,059.46</b>
<b>Current Audit:</b>		
General	\$	73,132.92
Community Development - CRC		-
Electric		51,288.98
Sewer		57,694.19
Water		21,845.03
Capital Projects		-
<b>Total Current Audit Items</b>		<b>\$ 203,961.12</b>
<b>TOTAL AUDIT</b>		<b>\$ 491,020.58</b>

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 61-2016 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	97.00
Milo	100.00

and

**WHEREAS**, this Board is to determine what proportion of the 2016-2017 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

<b><i>Benton</i></b>	<b><i>\$ 18,246,333</i></b>
<b><i>Jerusalem</i></b>	<b><i>4,704,431</i></b>
<b><i>Milo</i></b>	<b><i>170,269,948</i></b>
	<b>\$ 193,220,712</b>

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	\$ 18,246,333
Jerusalem	4,849,929
Milo	170,269,948

for a total Village full valuation of \$ 193,366,210

3. The proportion of the 2016-2017 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	.094362
Jerusalem	.025082
Milo	.880557

And be it further

**RESOLVED** that the 2016-2017 Village tax levy shall be levied upon each part of each town included in the Village in the following proportions:

<b><i>Benton</i></b>	<b><i>9.436 %</i></b>
<b><i>Jerusalem</i></b>	<b><i>2.508 %</i></b>
<b><i>Milo</i></b>	<b><i>88.056 %</i></b>
	<b><i>100.00 %</i></b>

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 62-2016 2016 -2017 Tax Levy

WHEREAS, THE Village Board of Trustees has adopted a budget for the fiscal year 2016-2017 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 2016-2017:

General Fund Tax Levy	\$ 2,814,371.19
TOTAL TAXES FOR 2016-2017 BUDGET	2,814,371.19
Delinquent Water Rents & Charges	4,685.61
Delinquent Sewer Rents & Charges	2,516.54
Mowing Charges	00.00
Snow Removal Charges	00.00
TOTAL TAX LEVY	\$ 2,821,573.34

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. 61 - 2016, the following sums for the operation of Village government for the fiscal year beginning, June 1, 2016, 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	9.4362	265,568.43	18,246,333	14.554618
Jerusalem	2.5082	70,588.85	4,704,431	15.004760
Milo	88.0556	2,478,213.91	170,269,948	14.554618
	100.0000	2,814,371.19	193,220,712	

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 63-2016 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 \$2,821,573.34 for the following purposes:

<i>Town of:</i>	<i>Benton</i>	<i>Jerusalem</i>	<i>Milo</i>	<i>Total</i>
2016-17 Tax Levy	265,568.43	70,588.85	2,478,213.91	\$2,814,371.19
Re-levied Water Rents	286.89	-	4,398.72	4,685.61
Re-levied Sewer Rents	163.21	-	2,353.33	2,516.54
Mowing Charges	-	-	00.00	00.00
Snow Removal Charges			00.00	00.00
	\$266,018.53	\$70,588.85	\$2,484,965.96	\$2,821,573.34

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, 2016, 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 2016, 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, 2016.

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize the annual payment to the Yates County Historical for \$3,500 for June 1, 2016

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize the annual payment to the Penn Yan Library for \$1,000 for June 1, 2016.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize payment to VFIS for annual LOSAP premium in the amount of \$101,187.92 Payment to be made on June 1, 2016.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 65-2016 Bond for \$596,000 for Road Reconstruction.

**BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PENN YAN, YATES COUNTY, NEW YORK (THE "VILLAGE"), AUTHORIZING THE RECONSTRUCTION OF AND RESURFACING OF VARIOUS ROADS THROUGHOUT THE VILLAGE; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$694,242; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$596,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION**

**WHEREAS**, the Board of Trustees (the "Board") the Village of Penn Yan, Yates County, New York (the "Village") proposes to authorize the issuance of \$596,000 in serial bonds of the Village to finance the reconstruction and resurfacing of various roads throughout the Village, including the construction or reconstruction of sidewalks, curbs, gutters, storm water collection facilities and other drainage improvements, landscaping, grading and other related and incidental costs and expenses (collectively, the "Project"), at an estimated maximum cost of \$694,242; and

**WHEREAS**, the Board now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance the aforementioned class of objects or purposes.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees (the "Board of Trustees") of the Village of Penn Yan, Yates County, New York (the "Issuer" or the "Village") (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Village is hereby authorized to undertake the reconstruction and resurfacing of various roads throughout the Village, including the construction or reconstruction of sidewalks, curbs, gutters, storm water collection facilities and other drainage improvements, landscaping, grading and other related and incidental costs and expenses. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$694,242, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$596,000 in serial bonds of the Village authorized to be issued

pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the expenditure of \$98,242 in grant monies to be received by the Village from the New York State CHIPS program, and (iii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Village to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 2. Serial bonds of the Village in the principal amount of \$596,000 are hereby authorized to be issued pursuant to provisions of Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the aforementioned class of objects or purposes.

SECTION 3. It is hereby determined that the period of probable usefulness of the aforementioned class of objects or purposes is fifteen (15) years, pursuant to subdivision 20(c). of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of official intent to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

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

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Village Board relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village (the "Village Treasurer"). Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of Local Finance Law. Further, pursuant to paragraph b. of Section 11.00 of the Law, in the event that bonds to be issued for any of the class of objects or purposes authorized by this resolution are combined for sale, pursuant to paragraph c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of the Board, then the power of the Board to determine the "weighted average period of probable usefulness" (within the meaning of paragraph a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village.

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

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

SECTION 10. The Board of Trustees hereby determines that the Project constitutes a "Type II" action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, "SEQRA") and that no further action under SEQRA with respect to the Project need be taken by the Board of Trustees as a condition precedent to the adoption of this resolution.

SECTION 11. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board.

SECTION 12. In accordance with Section 36.00 of the Law, this resolution is subject to a permissive referendum in the manner prescribed by Article Nine of the Village Law of the State of New York (the

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

SECTION 13. In accordance with the Village Law, this resolution will take effect thirty (30) days after the date of its adoption, unless prior to the close of such thirty-day period there is filed with the Village Clerk a petition, subscribed and acknowledged by at least twenty percent (20%) of the qualified electors of the Village, as shown on the Village’s register of electors for the last general Village election, protesting against this resolution and requesting that it be submitted for approval or disapproval by the qualified electors of the Village. If such a qualifying petition is filed, a proposition for approval of this resolution shall be submitted at a regular election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

SECTION 14. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

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

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

SECTION 15. As soon as reasonably possible after the date that this resolution takes effect, the Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published in full in the official newspaper of the Village for such purposes, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Law.

The following vote was taken and recorded in the public or open session of said meeting:

Mayor called for a roll call vote:

Mayor MacKerchar	Aye	Trustee McLoud	Aye	
Trustee Allison	Absent	Trustee Reeve	Aye	
Trustee Benedict	Aye	Trustee Stewart	Aye	
Trustee Condella	Aye			carried

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 67-2016 Budget Amendment for 2015-2016 Fiscal Year for \$4,500.00. (summer Sidewalk program)

Increase Revenue Budget

A-1720-00	Sidewalk Program Co-Pay	4,500
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Increase Expense Budget

A-5110-4-490	Street Maintenance - Equipment	4,500
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The demand for the annual sidewalk program was greater than expected. This budget amendment is being done to increase the expense budget for supplies and materials needed to complete the sidewalk programs, with revenue for the sidewalk program being increased by an equal amount.

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 68-2016 Budget Transfers for 2015-2016 Fiscal Year for \$42,033.00. (new truck for Fire Chief)

<b>TO:</b>				<b>Fund</b>
<b>Account Id</b>	<b>Description</b>		<b>Date</b>	<b>Totals</b>
A -3410-4-530	Fire-Fire Equipment	42,033		
		<u>42,033</u>		
			<b>General</b>	<b>42,033</b>
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-



			-	<u>2,885</u>
<b>FROM:</b>				
<b>Account Id</b>	<b>Description</b>		<b>Date</b>	
EW-8320-4-500	Pumping & Purification-Supplies & Materials	<u>2,885</u>		
		<u>2,885</u>		
			<b>General</b>	-
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	<u>2,885</u>
				<u>2,885</u>

Budget transfer within the water treatment plant budget to cover higher than anticipated costs for engineering and computer services, with corresponding reduction to budget for supplies and materials.

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

**PERSONNEL:**

**MOTION** by Trustee Stewart, seconded by Trustee Benedict as per section 9.5 of the CSEA contract, effective June 1, 2016 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 as least annually.

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

**MOTION** by Trustee Stewart, seconded Trustee McLoud as per section 9.5 of the CSEA contract, effective June 1, 2016 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 as least annually.

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

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to authorize to hire Jason Elliott, Electric Line Superintendent, Group 10 Start \$27.50 per hour effective June 1, 2016.

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

**MOTION** by Trustee Stewart, seconded by Trustee Condella Donald Dixon, provisional appointment as Utilities Service Worker, Group 5 Step 18 \$22.86 per hr. Effective May 18, 2016. His current position as Water/Sewer Maint. Worker will be held open until his provisional appointment becomes permanent.

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

**MOTION** by Trustee Stewart, seconded by Trustee Condella to approve Resolution No 71 -2016 Standard Work Day and Reporting Resolution for Electric & Appointed Officials.

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

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to authorize to hire Brandon Smith as a seasonal laborer at \$9.00 per hour, effective May 18, 2016.

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

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to authorize Resolution No 72 -2016 Non- Union Salary schedule June 1, 2016 –May 31, 2020.

**BI-  
ANNUAL WEEKLY**

MAYOR	MacKerchar	no increase	4835	185.96
TRUSTEES		no increase	3908	150.31
COMMISSIONERS		no increase	2518	96.85
MUB		no		
CHAIR	French	increase	2852	109.69
HEALTH OFFICER	Dewitt	no increase	3000	115.38
HISTORIAN	Dumas	no increase	1200	46.15
ACTING JUSTICE	Grace	no increase	3000	115.38
VILLAGE ATTORNEY	Brockman	2.00%	31168	1198.78
VILLAGE JUSTICE	Conlon	2.00%	20771	798.90
				<b>HOURLY RATE</b>
DEPUTY CLERK	Morse	2.00%	42485	21.79
DEPUTY CLERK	Martin	2.00%	42092	20.34
DEPUTY CLERK/ TREASURER	Pealer	2.00%	46920	22.56
CLERK/TREASURER	Meeks	2.00%	68952	33.15
DIRECTOR OF PUBLIC WORKS	Bodine	2.00%	75759	36.42
ASSISTANT DIRECTOR OF PUBLIC WORKS	Jensen	2.00%	58159	27.96
CODE ENFORCEMENT OFFICER	Lyon	2.00%	46474	22.34
CONFIDENTIAL ASSISTANT TO THE CHIEF	Pedder	2.00%	39398	18.94
RECREATION & FACILITIES DIRECTOR	Doyle	2.00%	50303	24.18
COURT CLERK	Griffin	2.00%		14.80
COURT CLERK	Swarthout	2.00%		11.24
SECRETARY P/H/Z	Duryea	2.00%		17.49
CHIEF OF POLICE	Hulse	1.50%	74942	36.03
PART TIME OFFICERS 20+ YEARS SERVICE		\$2.00		20.00
PART TIME OFFICERS < 20 YEARS SERVICE		\$2.00		18.00

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

**MOTION** by Trustee Stewart, seconded by Trustee Condella to accept Dorothy Allen's letter of retirement. Last day working will be June 2, 2016, using her accrued vacation days. She will return July 21 – July 29 to help with the yearly audit. Official date of retirement will be July 30, 2016

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

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for April

**MOTION** by Mayor MacKerchar seconded by Trustee McLoud to authorize Sgt. Hamm to attend the Patrol Rifle Instructor Course on June 14-16, 2016 at Monroe Community College. Cost \$238.00

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

**MOTION** by Mayor MacKerchar, seconded by Trustee Condella to authorize Inv. Dunham to attend the Training on Narcotics Operations on May 26 & 27, 2016 at Niagara University in Buffalo, NY. Cost \$120.00.

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

**MOTION** by Mayor MacKerchar, seconded by Trustee McLoud to authorize Officer’s McKnight and Conover to attend the Close Quarter Tactics for Patrol Officers on June 27 & 28, 2016 in Oriskany, NY. No cost for course or lodging.

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

**MOTION** by Mayor MacKerchar, seconded by Trustee Stewart to authorize Officer Marsh to attend the Fire/Arson Investigation Course in Montour Falls for 2 weeks (June 6-10 and 13-17). Cost is covered by Yates County Emergency Management.

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

**FIRE DEPARTMENT:**

Monthly /Year to date Fire Department report

**CODE ENFORCEMENT:**

**MOTION** by Mayor MacKerchar, seconded by Trustee McLoud to authorize the Mayor signs the Municipal Cooperation Agreement for Code Enforcement Activities.

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

**PUBLIC WORKS:**

**MOTION** by Trustee McLoud, seconded by Trustee Reeve to accept two donated benches from the Keuka Arts Festival and have them placed in front of Pinckney’s Hardware and Long’s Bookstore and the Village will be responsible for the maintenance of the benches and storing them in the winter months.

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

**MOTION** by Trustee McLoud, seconded by Trustee Reeve to authorize to send a letter of intent to purchase the following equipment at the beginning of the 2016-2017 fiscal year.

- DR Trimmer/Mower (Tow Behind) - \$699.00
- Mowers: John Deere Z915B Commercial Zero Turn and John Deere X370 - \$3,488.76.

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

**MOTION** by Trustee McLoud, seconded by Trustee Reeve to authorize Permission to go out for Bid for the Basin Street Multi-Plate project.

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

Brent Bodine explained we had 25 applications for the sidewalk improvement program this summer; we had three that did not want it done this year.

**PARKS & RECREATION:**

No update

**PLANNING & DEVELOPMENT:**

No meeting this month

Trustee Reeve mentioned they have the final draft of the Comprehensive Plan; they are waiting on some further comments. Brent Bodine stated they have submitted a request for the grant portion for the master Plan.

**PLANNING BOARD:**

**COMMENTS**

**EXECUTIVE SESSION:**

At 7:17 PM, **MOTION** by Trustee Benedict, seconded by Trustee Condella to enter into Executive Session.

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

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 8:15PM, **MOTION** by Trustee Reeve, seconded by Trustee Benedict to leave Executive Session and return to regular Village Meeting.

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

**ADJOURNMENT:**

At 8:16 PM, **MOTION** by Trustee Reeve, seconded by Trustee Condella to adjourn the regular Village Board meeting.

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

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**