

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, May 19, 2014 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor L. MacKerchar; Trustees W. Allison: C. Benedict; B. Church; D. Reeve; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief M. Hulse; CEO B. Lyon

ABSENT: Trustee C. Christensen; Fire Chief M. Clancy

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: Sharon Nichols, Marianne Griffin, Justice Danny Hibbard, Matthew, Conlon, Nonnie Flynn, Bradley Conover, Officers Jeff Stewart, Wayne Marsh, Jeff Dawes, Kurt Crandall, Katie Zebrowski, Brandon DeHond, Justin Hamm, Jamie Maciejewski, Mark Morris,

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

At 6:00 PM Mayor MacKerchar called the Public Hearing to order for the Repeal of the Tax Cap Override.

Mayor asked if anyone had any comments or concerns regarding the Tax cap 1.68%.

At 6:05PM **MOTION** by Trustee Allison, seconded by Trustee Church to close the Public Hearing.

MOTION by Trustee Allison, seconded by Trustee Church to authorize Resolution No 45-2015 Adoption of a Local Law Authorizing the Repeal of “The 1.68% Tax Cap Override Law of 2015”.

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 19, 2015.

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 Clerk/Treasurer 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, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

Village Justice Danny Hibbard conducted the *Oath of Office ceremony* for the newly appointed Village Justice Matthew Conlon effective June 1, 2015. Justice Conlon is replacing the retiring Justice Hibbard which is effective May 31, 2015.

Mayor MacKerchar Thanked Sharon Nichols for her hard work and dedication she has given to her Court Clerk job over the past 27 years. Mayor presented Sharon with a clock and plaque. Sharon was greeted with applause.

Chief Mark Hulse and PBA President Jeff Stewart Thanked Justice Danny Hibbard for his dedication and fairness over the years as Justice and they presented him with a plaque. Mayor MacKerchar Thank Justice Hibbard for his 27 years on the bench and his dedication over the years. Mayor MacKerchar presented Justice Hubbard with a gift card and an old time Judge’s wig along with a new gavel set that has a double purpose, use as a gavel and a meat tenderizer (since he is a meat cutter). Justice Hibbard will be missed – Board members and audience applauded and congratulated him. Village Board and Penn Yan Police Department congratulated Judge Individually.

CALL FOR EXECUTIVE SESSION:

No call for Executive Session tonight

MINUTES:

MOTION by Trustee Church, seconded by Trustee Benedict to approve the Village Board Minutes from April 21st and Special Village Board meeting on April 29th, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION by Trustee Allison, seconded by Trustee Stewart to authorize a “K Train 5K” run for Sunday June 14th on Sunday June 14th starting at 8:30 AM. Event to begin at the Little League fields go along the Outlet Trail and return back on East Elm Street. (map attached)

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize the 4th Annual St. Michael’s Turkey Trot 5K race to be held on Thursday November 26th 2015, registration begins at 7 AM and race starts at 8:30AM. (map attached)

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Church to authorize the 17th Annual Cruisin’ Night & Block Party for Friday June 19, 2015 from 3:30PM – 9:30PM.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

Flag Day is Sunday June 14th and on Saturday June 13th the Daughters of the American Revolution and the Sons of the American Revolution - will hand out flags at the Elks Lodge to remind people of Flag Day.

MOTION by Trustee Reeve, seconded by Trustee Allison to authorize the Penn Yan Baseball and Softball program to have a fireworks display on June 20th at Elm Street Ball Park.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

PERSONNEL:

MOTION by Trustee Benedict, seconded by Trustee Church to accept Village Justice Dan Hibbard’s resignation effective May 31, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Reeve appoint Matthew Conlon as Village Justice effective June 1, 2015 and fill out the remainder of his term until elections in 2016.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Stewart to accept Court Clerk Sharon Nichols resignation effective May 31, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Reeve to appoint David Grace as Acting Village Justice effective June 1, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Reeve to increase the hourly rate for Mariann Griffin Court Clerk to \$14.51 effective June 1, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Reeve to hire Michelle Swarhout as Part time Clerk to the Village Justice, effective May 20, 2015. Hourly rate \$11.02.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Church to hire Bradley Conover as a Full Time Police Office, lateral transfer from Yates County Sheriff’s Department. Date of hire June 2 or the 3, 2015. Group 1 Step 2 – Salary \$53,804.00.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MAYOR:

MOTION by Mayor MacKerchar, seconded by Trustee Benedict for a Special Village Board meeting Friday May 29th at 9:00 AM for the end of year warrant and any other village items.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

ATTORNEY:

MOTION by Trustee Reeve, seconded by Trustee Allison to authorize Resolution No 40-2015 Regarding SEQRA Issues and Consideration of Proposed Local Law to Create a Waterfront Pathway Chapter of the code of the Village of Penn Yan and will hold a Public Hearing on June 16, 2015 at 6:00PM.

WHEREAS, it has been recommended by the Director of the Department of Public Works, that a “Waterfront Pathway” Chapter be created for the Code of the Village of Penn Yan; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as lead agency for the purposes of the review of this action under the provisions of SEQRA; and

WHEREAS, the adoption of such Chapter may be deemed an “Unlisted” action pursuant to SEQRA; and

WHEREAS, a draft Local Law has been prepared and circulated to the Board of Trustees.

Now Therefore, be it Resolved that:

1. 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.
2. The Board of Trustees of the Village of Penn Yan determines that the action be designated as “Unlisted” under SEQRA and therefore a Short Environmental Assessment Form (SEAF) will be prepared.
3. That a public hearing on the proposed Local Law is hereby scheduled for June 16, 2015 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Church to authorize Resolution No 43-2015 Adoption of a Local Law to Authorizing the Award of Purchase Contracts on the Basis of “Best Value”.

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

WHEREAS, the Board of Trustees has previously dealt with SEQRA issues; and

WHEREAS, a public hearing was held before the Board of Trustees on said proposed Local Law on April 21, 2015.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees for the Village of Penn Yan adopts said proposed Local Law.
2. The Village 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 Town Board Meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize the Mayor and Clerk/Treasurer to sign the Home Rule Request forms which Authorizes the Village of Penn Yan to convey certain real property to Keuka Outlet Development, LLC. Bill numbers are Senate S. 05425 and Assembly A. 07551. (Roll Call Vote)

Discussion: Mayor explained we need bill numbers before we can submit the Home Rule Request forms.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

COMMUNITY REVITALIZATION:

No update

MUNICIPAL:

Brent Bodine has asked if this Motion could be tabled for right now, (To authorize Irby Utilities be awarded as per bid sheet and subject to the bid sheet and subject to the master agreement review for pole hardware (this is within the budget)). The Village Board approve to place it on hold.

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the Mayor signs the contract with Municipal Solutions for them to provide Community Development Block Grant administration and reporting services in connection with Village’s Seneca Street water project.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize to go out for bid for construction of the composting building.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Church to approve Utility Payment Agreements in the amount of \$20,982.62

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

Trustee Allison mentioned they are doing a good job on the water main on Lake Street and the Waste Water Treatment plant upgrade project is about 99.99% complete.

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	33,045.72
Electric	337,702.38
Sewer	8,915.98
Water	8,689.60
Capital Projects	
Total Paid Before Audit	\$ 388,353.68
Current Audit:	
General	\$ 98,352.10
Community Development - CRC	-
Electric	18,515.32
Sewer	181,071.90
Water	153,901.73
Capital Projects	-
Total Current Audit Items	\$ 451,841.05
TOTAL AUDIT	\$ 840,194.73

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart

Nays 0

Abstain 0

Absent Christensen

MOTION by Trustee Church, seconded by Trustee Reeve to authorize Resolution No 44-2015 SECONDED AMENDED AND RESTATED BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PENN YAN, YATES COUNTY, NEW YORK (THE “VILLAGE”), AMENDING AND RESTATING IN ITS ENTIRETY BOND RESOLUTION NO. 36-2013, DATED APRIL 30, 2013, AS PREVIOUSLY AMENDED AND RESTATED BY BOND RESOLUTION NO. 47-2014, DATED MAY 20, 2014, AUTHORIZING THE RECONSTRUCTION OF AND RESURFACING OF VARIOUS ROADS THROUGHOUT THE VILLAGE; ESTIMATING THAT THE TOTAL COST THEREOF IS \$1,154,558; APPROPRIATING SAID AMOUNT THEREFOR; AUTHORIZING THE ISSUANCE OF \$746,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION (Roll Call Vote)

WHEREAS, the Board of Trustees (the “Board”) of the Village of Penn Yan (the “Village”), by Bond Resolution No. 31-2012, duly adopted by on June 19, 2012 (the “Original Bond Resolution”), previously authorized the issuance of serial bonds for various objects or purposes, including the undertaking of, among other things, the reconstruction and resurfacing of various roads throughout the Village, including the construction or reconstruction sidewalks, curbs, gutters, stormwater collection facilities and other drainage improvements, landscaping, grading, and other related and incidental expenses (the “Project”), and determined that the period of probable usefulness for each said object or purpose would be limited to a period of five (5) years or less; and

WHEREAS, the Board, by action taken on June 19, 2012, determined that the Project will not have a significant impact on the environment and issued a negative declaration within the meaning of the New York State Environmental Quality Review Act and the regulations promulgated thereunder (“SEQRA”); and

WHEREAS, the Board by Bond Resolution No. 36-2013, duly adopted on April 30, 2013, adopted a superseding Bond Resolution for the purpose of superseding the Original Bond Resolution, to the extent it related to the Project (as so superseded, the “Original Bond Resolution”) to (i) revise the total estimated cost of the Original Project to \$558,000, (ii) decrease the maximum principal amount of serial bonds authorized thereunder from \$375,000 to \$359,000, (iii) restate the plan of financing for the Original Project, (iv) determine that the period of probable usefulness for the Original Project will be increased from five (5) years or less to fifteen (15) years, and (v) determine that the maximum term of the bonds authorized to be issued for the Original Project will be in excess of five (5) years; and

WHEREAS, the Board, by Bond Resolution No. 47-2014, duly adopted on May 20, 2014 (the “2014 Amended and Restated Bond Resolution”), amended and restated the Original Bond Resolution in its entirety for the purpose of (A) increasing the maximum amount of serial bonds authorized to be issued from \$359,000 to \$467,000 and (B) restating the plan of finance for the Project by increasing the maximum estimated cost of the Project from \$558,000 to \$764,000, and increasing the amount of grant monies expected to be received from New York State from \$176,280.59 to \$274,280.59; and

WHEREAS, the Board now intends to further amend and restate the Original Bond Resolution, as previously amended and restated by the 2014 Amended and Restated Bond Resolution, pursuant to the terms of this resolution for the purpose of (A) increasing the maximum amount of serial bonds authorized to be issued from \$467,000 to \$746,000 and (B) restating the plan of finance for the Project by increasing the maximum estimated cost of the Project from \$764,000 to \$1,154,558, and increasing the amount of grant monies expected to be received from New York State from \$274,280.59 to \$385,838.59; and

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE VILLAGE OF PENN YAN, YATES COUNTY, NEW YORK (the “Village”) HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), TO AMEND AND RESTATE BOND RESOLUTION NO. 36-2013, AS PREVIOUSLY AMENDED AND RESTATED BY BOND RESOLUTION NO. 47-2014, IN ITS ENTIRETY, TO READ 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 sidewalks, curbs, gutters, stormwater collection facilities and other drainage improvements, landscaping, grading, and other related and incidental expenses and to issue up to \$746,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the “Law”) to finance the estimated cost thereof. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$1,154,558, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of the \$746,000 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 \$385,838.59 in grant monies to be received by the Village from the New York State CHIPS program, (iii) the application of \$22,719.41 in current funds of the Village, and (iv) 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. It is hereby determined that the period of probable usefulness for the aforementioned specific objects or purposes is fifteen (15) years, pursuant to subdivision 20(c). of paragraph a. of Section 11.00 of the Law.

SECTION 3. 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. This resolution shall constitute a declaration of “official intent” to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 4. 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 5. 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 without legal or constitutional limitation as to rate or amount. 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 6. 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 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 Board of Trustees relative to authorizing bond anticipation notes and prescribing the 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, the chief fiscal officer of the Village (the "Village Treasurer"). Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision 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 of Trustees, then the power of the Board of Trustees to determine the "weighted average period of probable usefulness" (within the meaning of subdivision 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 7. 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 obligations" within the meaning of and in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 8. The Village Treasurer is further authorized to enter into continuing disclosure undertakings with or for the benefit of the initial purchaser 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 9. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements, 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 this Board of Trustees.

SECTION 10. The Bond Resolution is hereby amended and superseded by this resolution but only to the extent that the Bond Resolution pertains to the serial bonds authorized in Section 3 thereof and any bond anticipation notes to be issued in anticipation thereof. Except as so superseded, all of the terms and provisions of the Bond Resolution shall remain in full force and effect and are hereby ratified and confirmed.

SECTION 11. 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 12. 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 special election held not less than ten (10) and not more than sixty (60) days after the filing of such petition.

SECTION 13. 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 14. 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.

Mayor MacKerchar called for a roll call vote:

Mayor Leigh MacKerchar	Aye	
Trustee William J. Allison	Aye	
Trustee D. Christine Christensen	Absent	
Trustee Robert Church	Aye	
Trustee Carolyn T. Benedict	Aye	
Trustee David Reeve	Aye	
Trustee Richard Stewart	Aye	Adopted

MOTION by Trustee Church, seconded by Trustee Allison to authorize Resolution No 46-2015 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	98.00

and

WHEREAS, this Board is to determine what proportion of the 2015-2016 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	\$17,322,848
Jerusalem	4,734,450
Milo	<u>155,987,759</u>
	\$178,045,057

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	\$ 17,322,848
Jerusalem	4,880,876
Milo	159,171,183

for a total Village full valuation of \$ 181,374,907

3. The proportion of the 2015-2016 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	.095509
Jerusalem	.026910
Milo	.877581

And be it further

RESOLVED that the 2015-2016 Village tax levy shall be levied upon each part of each town included in the Village in the following proportions:

Benton	9.551 %
Jerusalem	2.691 %
Milo	<u>87.758 %</u>
	100.00 %

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 47-2015 Tax Levy

WHEREAS, THE Village Board of Trustees has adopted a budget for the fiscal year 2015-2016 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 2015-2016:

General Fund Tax Levy	\$ 2,822,497.23
TOTAL TAXES FOR 2015-2016 BUDGET	2,822,497.23
Delinquent Water Rents & Charges	1,697.48
Delinquent Sewer Rents & Charges	1,330.16
Mowing Charges	390.00
Snow Removal Charges	180.00
TOTAL TAX LEVY	\$ 2,826,094.87

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. 46 - 2015, the following sums for the operation of Village government for the fiscal year beginning, June 1, 2015, 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	9.5509	269,572.48	17,322,848	15.561674
Jerusalem	2.6910	75,954.60	4,734,450	16.042963
Milo	<u>87.7581</u>	<u>2,476,970.15</u>	<u>155,987,759</u>	15.879260
	100.000	2,822,497.23	178,045,057	

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 48-2015 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 \$2,826,094.87 for the following purposes:

<i>Town of:</i>	<i>Benton</i>	<i>Jerusalem</i>	<i>Milo</i>	<i>Total</i>
2015-16 Tax Levy	269,572.48	75,954.60	2,476,970.15	\$2,822,497.23
Re-levied Water Rents	25.44	-	1,672.04	1,697.48
Re-levied Sewer Rents	18.45	-	1,311.71	1,330.16
Mowing Charges	-	-	390.00	390.00
Snow Removal Charges			180.00	180.00
	\$269,616.37	\$75,954.60	\$2,480,523.90	\$2,826,094.87

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, 2015, 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 2015, 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 13, 2015.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 49-2015 Budget Transfers for 2014 -2015 Fiscal Year.

TO:			Fund
Account Id	Description	Date	Totals
ES-8130-4-420	Sewage Treatment-Phone/Internet/Utilities	<u>18,000</u>	
		<u>18,000</u>	
		General	-
		Electric	-
		Sewer	18,000
		Water	<u>-</u>
		-	<u>18,000</u>
FROM:			
Account Id	Description	Date	
ES-8130-4-414	Sewage Treatment-Sludge Landfill Fees	<u>18,000</u>	
		<u>18,000</u>	
		General	-
		Electric	-
		Sewer	18,000
		Water	<u>-</u>
			<u>18,000</u>

Budget transfer for the sewage treatment plant to cover higher than budgeted cost of utilities (due to WWTP upgrade), using excess budgeted funds from the sludge hauling account.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 50-2015 Budget Transfers for 2014-2015 Fiscal Year

TO:			Fund
Account Id	Description	Date	Totals
A -1621-4-500	Buildings & Grounds-Supplies & Materials		2,400
A -1622-4-410	Firehouse-Contractual Services	<u>327</u>	
		<u>2,727</u>	
		General	2,727
		Electric	-
		Sewer	-
		Water	<u>-</u>
		-	<u>2,727</u>
FROM:			
Account Id	Description	Date	
A -1610-4-500	General Admin-Supplies & Materials	2,400	
A -1621-4-410	Buildings & Grounds-Contractual Services		295
A -1622-4-500	Firehouse-Supplies & Materials	<u>32</u>	
		<u>2,727</u>	
		General	2,727
		Electric	-
		Sewer	-
		Water	<u>-</u>
			<u>2,727</u>

Budget transfer to building and grounds supplies and materials to cover slight over run in costs for MUB breakroom repair, with excess funds being transferred from general admin supplies and materials. Also, budget transfer to firehouse contractual services to pay for repair to generator which services the firehouse, with surplus funds being used from bldg and grounds contractual services and firehouse supplies and materials.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart

Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 51-2015 Budget Transfers for 2014-2015 Fiscal Year.

TO:				Fund
Account Id	Description		Date	Totals
A -3410-4-510	Fire-Computer Supplies	1,000		
		<u>1,000</u>		
			General	1,000
			Electric	-
			Sewer	-
			Water	-
			-	<u>1,000</u>
FROM:				
Account Id	Description		Date	
A -3410-4-450	Fire-Computer Services	423		
A -3410-4-500	Fire-Supplies & Materials	577		
		<u>1,000</u>		
			General	1,000
			Electric	-
			Sewer	-
			Water	-
				<u>1,000</u>

Budget transfer within fire department budget to accommodate upgrades to two laptops (upgrade operating system for added security and purchase and install of MS Office Home).

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart

Nays 0 Abstain 0 Absent Christensen

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report

MOTION by Trustee Church, seconded by Trustee Allison to authorize two people to attend training on Social Networking Investigations on July 9 & 10th in Erie County. Officer Dawes & Investigator Dunham will be attending. No cost for training.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart

Nays 0 Abstain 0 Absent Christensen

FIRE DEPARTMENT:

No Monthly Fire Department report

No Year to Date Fire Department report

MOTION by Trustee Reeve, seconded by Trustee Benedict to approve the Fire Department – Garverick Plan for the LOSAP Point System from January 1, 2014 – December 31, 2014. Our insurance agent will submit the report.

Discussion: Trustee Reeve questioned why do we approve this. Trustee Allison explained this was not done in the past and we have corrected that situation. We approve the people who are qualified for the LOSAP program. Mayor MacKerchar this is done on an annual basis. This was reviewed at Public Safety, and Chief Clancy has signed it and it's been notarized. Trustee Christensen does a quarterly audit at the Fire House. Trustee Allison asked for a roll call vote:

Mayor asked for a roll call vote

Trustee Stewart	Aye
Trustee Benedict	Aye
Trustee Allison	He Recused himself- he is part of the program
Mayor MacKerchar	Aye
Trustee Church	Aye – he is not part of the program
Trustee Reeve	Aye

Trustee Christensen Absent Adopted

CODE ENFORCEMENT:

County Legislature passed a Local Law in April for the sale and use of “sparkler devices”. Have been contacted by a company that is looking to set up a tent at the plaza for the two week period to sell these. Will be bringing in all necessary paper work/licenses. Bruce Lyon mentioned they are allowed to sell at certain times though out the year. The company that has contacted us will be selling at the plaza and have a locked trailer. Bruce mentioned he has all the licenses. Bruce did ask Atty. Brockman to look into the law and regulations and all is legal. Mayor MacKerchar mentioned there is no open burning it has been extended to May 27 or 29th, the sparklers do not pertain to the open burning law. Mark Morris stated at the County meeting –there were a few Firemen and they were not for this. He also mentioned they had a few that voted no on this.

MOTION by Trustee Allison, seconded by Trustee Church to authorize the Code Office to waive one additional year fee for any outstanding permits for resident who were effective by last year’s flood in May, 2014.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Reeve to approve the Keuka Arts Festival to donate a bench to the Village to be placed outside the Nest Egg and the Village will be responsible for moving it for winter season.

Discussion: Want to be sure that someone has spoken with the Nest Egg and they are in agreement with it. Trustee Church believes Chris Vaughan has spoken with the Nest Egg. The bench is made out of cast iron very heavy.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize to go out for bids for the demolition of 112 Clinton Street.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize to go out for bids for Engineering Services to the Cemetery entrance off of Court Street.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize to send an intent letter for mini excavator and trailer. Money is in this coming year budget.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

Brent Bodine mentioned the retaining wall on Basin Street should be wrapped up in a few weeks. Will also be working on the sidewalk. Looking at installing the columns similar as Walgreens and asking Microtel to do the same.

Trustee Church question about part of the Main Street Bridge being closed off. Brent explained the one lane will be closed for a few weeks while Birkett Mills is reroofing the building, after completion the Main Street Bridge will be completely reopened and flowers boxes will be placed back on the bridge. We are unable to place flower boxes on the bridge now there is no way to water them do to the traffic pattern. Trustee Church also mentioned this Thursday if anyone is interested in helping out to hanging flowers around town to be at town barns by 6:00pm.

PARKS & RECREATION:

MOTION by Trustee Stewart, seconded by Trustee Benedict to declare all the old playground equipment as surplus and have it scrapped.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

PLANNING & DEVELOPMENT:

Trustee Reeve asked the Board if they have not already to see him to review and get there suggestion about the Basin Street project. We have four choices of brick and columns for the railing to be used.

Trustee Stewart mentioned they had approximately 30 people attend the Historical meeting the other night. We had a lot of good ideas. Trustee Stewart thanked Trustee Reeve, Benedict and Bruce Lyon for attending.

Trustee Reeve mentioned they are having a Steering Committee meeting this Thursday at 10:00 AM to discuss their outcome from the surveys.

PLANNING BOARD:

COMMENTS

Chief Hulse question about the hours of operation for the playgrounds. This came up at Public Safety meeting. Trustee Stewart mentioned this had not been brought up at Parks meeting. After a brief discussion it was decided to review this at Parks & Public Safety level.

ADJOURNMENT:

At 7:02 PM, **MOTION** by Trustee Church, seconded by Trustee Allison to adjourn the regular Village Board meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: