

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, May 20, 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; Fire Chief J. Housel; Chairman for Municipal Rom French, Bruce LeClaire

ABSENT: Trustee C. Christensen

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

PUBLIC: Todd Whitford, Pam Whitford and 2 kids, Bill Burg, Mark Morris

At 6:00 PM, Mayor MacKerchar called the Village Board meeting to order. Mayor MacKerchar stated it has been a tough week and lot going on. Will discuss more at the end of meeting.

6:00PM PUBLIC HEARING – Amending the Cemetery Chapter Local Law B 2014

Atty. Brockman explained there will not be a Public Hearing tonight.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize to have an Executive Session to discuss Litigation issues and an employee record.

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

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Benedict to approve the Village Board Minutes from April 15, 2014 and Special Board meeting on April 28, 2014.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION by Trustee Church. Seconded by Trustee Church to authorize the American Legion to hold the annual Memorial Day parade on Monday May 26 at 10:00 AM. Route to begin on East Main by Weldon's to the Court House Lawn.

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

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize the 17th Annual Cruisin Night Friday June 13, 2014 from 3:30 PM – 9:30 PM. No parade will be held this year

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 annual Sidewalk Sale on Saturday, July 26, 2014 from 7:30 AM – 1:00 PM.

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

Mayor MacKerchar mentioned Flag Day is Saturday June 14 and the Daughters of the American Revolution and the Sons of the American Revolution - will hand out flags and remind people of Flag Day.

MAYOR:

Mayor MacKerchar asked if any Board members would be free and would like to help distribute and hang Flower baskets for the Village. They will be delivered tomorrow night at 7:00PM.

MOTION by Trustee Allison, seconded by Trustee Church to authorize a Special Village Board meeting for Friday May 30, 2014 at 9:00AM to approve the year-end invoices and any other Village Business.

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 the annual payment to the Yates County Historical \$3,500 for June 1, 2014.

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 annual yearly payment to the Penn Yan Library for \$1,000.00

ADOPTED Ayes 5 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain Stewart Absent Christensen

ATTORNEY:

MOTION by Trustee Church, seconded by Trustee Allison to authorize Resolution No. 45-2014 Proposed Reduction of Minimum Annual Treated Water Purchas by the Town of Benton and have Mayor MacKerchar execute the Intermunicipal Agreement.

WHEREAS, the Village of Penn Yan and the Town of Benton previously entered into an Intermunicipal Agreement dated December 10, 2000 which provides for the operation and maintenance of a water treatment facility and for Penn Yan to provide potable water to Benton; and

WHEREAS, said original agreement specified an annual minimum purchase of 14.6 million gallons by Benton from Penn Yan; and

WHEREAS, the agreement was previously amended to decrease the annual minimum purchase quantity; and

WHEREAS, Benton has determined that its present annual water consumption is less than the amended amount; and

WHEREAS, the parties desire to further amend the agreement to provide for an additional reduction in the annual minimum amount of water to be purchased; and

WHEREAS, the Municipal Utilities Board of the Village of Penn Yan has, by motion duly adopted on December 12, 2013, recommended a reduction of the annual minimum purchase to 10,950,000 gallons for the Town of Benton; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as “Lead Agency” for SEQRA purposes related to this action and it appears that there will be no negative environmental impacts form this action.

NOW, THEREFORE BE IT, RESOLVED THAT:

1. The Board of Trustees designates itself as “Lead Agency” with respect to the SEQRA aspects of such action and it is determined that such reduction will have no negative effect on the environment, this is found to be a “Type II” action and therefore no environmental review will be undertaken.

2. The proposed reduction of the annual minimum purchase of water by the Town of Benton to 10,950,000 gallons is approved and the Mayor is authorized and directed to execute the requisite documentation to effectuate such amendment to the agreement between Penn Yan and Benton.

DISCUSSION: Trustee Stewart questioned why reduce it. Mayor explained Benton came to the Municipal Board explaining, they have placed every possible customer on the system. The usage is not near what was agreed on. Trustee Stewart asked this means if we reduce what they pay – they everyone else that we send bills to will pay more. Rom French stated we should be fair to all our customers and each contract is different. Mayor mentioned we are looking into the existing contracts.

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 46 -2014 To Extend Completion Date for LSP Project.

WHEREAS, the parties previously entered into an agreement on or about December 17, 2013 with respect to infrastructure work to be performed by LSP at properties part of Lake Street Plaza; and

WHEREAS, a deadline for completion of the work by LSP was specified as June 1, 2014 and LSP has requested an extension for same and the Village is amenable to such extension.

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as “Lead Agency” with respect hereto, it appearing that there will be no negative impact on the environment as a result of this extension and therefore this may be a “Type II” action.

NOW THEREFORE Be It Resolved That:

1. The Board of Trustees designates itself as “Lead Agency” for the SEQRA aspects hereof, finds that there will be no negative environmental impacts resulting here from, determines that this is a “Type II” action and therefore no environmental review will be undertaken.
2. The agreement dated on or about December 13, 2013 is amended to provide for completion of the project on or before July 15, 2014.

Discussion: Atty. Brockman mentioned the work should have been completed by June 1- they asked for an extension to mid-July.

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 Mayor MacKerchar signs the Extension Agreement between Lake Street Plaza, LP.

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 Mayor MacKerchar signs the fee estimate from TY-LYN INTERNATIONAL Code Compliance Plan Review for Hampton Inn, Keuka Lake.

Discussion: Mayor MacKerchar explained TY-LYN will do an estimate of the cost first and send back to be presented to the developer before cost is incurred.

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

COMMUNITY REVITALIZATION:

MOTION by Trustee Benedict, seconded by Trustee Allison to approve the HEP Sales application for 225 East Elm Street totaling \$10,776.77. (\$5,388.39 is grant and \$5,388.39 loan)

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

Discussion: Trustee Church mentioned there is money available for business and not for residential use. Money is to help fix up store fronts or outside areas – anything that is visible by the sidewalk or Road

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize resolution No 44-2014 Declaring Sole Source for Secondary Oil Containment Product to be installed at Electric Transformer Storage Facilities.

WHEREAS, the Village of Penn Yan operates an electric service distribution system for its residents; and

WHEREAS, part of the electric service distribution system consists of the Village purchasing and storing electric transformers, each of which contains an amount of oil product; and

WHEREAS, it is required that the storage area for said transformers be equipped with a catchment basin to contain any oil which may leak from the transformers so that it does not enter the ground water; and

WHEREAS, since the catchment basin could also be holding water the traditional method of containment also requires an oil separator device to be installed, which necessitates periodic maintenance since it is in essence a mechanical device; and

WHEREAS, an innovative product has been introduced which employs a method other than a mechanical device to separate the water from oil, utilizing a blend of polymers that contain oil but permits the flow of water; and

WHEREAS, said product is proprietary and available only from the manufacturer, CI Agent Solutions; and

WHEREAS, said product is projected to have a life span of approximately 100 years; and

WHEREAS, the cost of the traditional containment facility would be \$150,000.00 plus related periodic maintenance costs, as opposed to the polymer system which would cost approximately \$75,000.00 without maintenance expenses.

NOW THEREFORE BE IT RESOLVED, THAT

1. It would be in the best interest of the Village, financially and otherwise, to utilize the polymer system of water/oil separation in the transformer storage facilities.
2. CI Agent Solutions is determined to be the sole source for such a polymer separation system and accordingly the bidding otherwise required by GML§103 is waived.
3. The Director of Public Works is authorized to effectuate the purchase of such polymer system within the constraints of budget funds available for same.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen0

MOTION by Trustee Allison, seconded by Trustee Church to declare Truck #10 as Surplus and sell at fair market value.

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

MOTION by Trustee Allison, seconded by Trustee Allison Stewart to authorize the attendance of one (1) employee at Line Leader Training being held June 18th in East Syracuse, NY at a cost of \$140.

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 Mayor signs the Indemnification/Hold Harmless Agreement between the Village and the Village of Dresden.

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

MOTION by Trustee Allison, second by Trustee Benedict to authorize the sewer bill forgiveness in the amount of \$1,235.15 for 542 Liberty Street.

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 hiring Elliott Engineering Solutions to perform engineering work in the amount of \$5,000 for a new water line on Seneca Street between Main Street and Central Avenue.

Discussion: Brent Bodine pointed out this was before the storm – no damage was made from the recent storm to the existing system but we still need to fix this.

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

MOTION by Trustee Allison, seconded by Trustee Reeve to declare Car #3 as surplus and sell at fair market value.

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 the attendance of up to two (2) employees at the NYRWA Training Session being held June 11th in Henrietta, NY at a cost of \$43.00 per person.

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 \$27,116.14.

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 48-2014 to designate Rom French as the Village’s representative for the NYMPA Meeting on May 21, 2014 at a cost of \$60.00.

At a regular meeting of the Village Board of the city/Town/Village of Penn Yan, New York, held on May 20, 2014, the following resolution was adopted:

Motion by Trustee Allison, seconded by Trustee Stewart. WHEREAS, the Village Board of the City/Town/Village of Penn Yan

New York, is a municipal member of the New York Municipal Power Agency, and WHEREAS, in accordance with the bylaws of New York Municipal Power Agency, each municipal member may cast one vote on each transaction property brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Rom French be and is hereby designated as the accredited delegate of the City/Town/Village of Penn Yan, New York.

On roll call: Affirmative: 6 Negative 0 Absent 1

I certify that this resolution was adopted by the Village Board of the City/Town/Village of Penn Yan, New York on the 20 day of May, 2014

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

MOTION by Trustee Reeve, seconded by Trustee Church to authorize the sewer bill forgiveness in the amount of \$218.15 for 25 Champlin Ave.

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

Brent Bodine explained during the recent flood we did shut down the water system for 48 hours, part because the lake was so dirty – asked people to conserve water and refrain from using water from the wholesale customers. After the 48 hours it helped fill our tanks and we were able to lift the ban. Brent explained the Electric had a couple of areas that were effected and had to turn off , East side of Main Street and Champlin Ave. the night of the storm. Still looking at places regarding the infrastructure. Have the NYS Fire Service going through and doing inspection through the town and our electric service. Working with Code Office to gain access to those homes to make sure all electric is ok. All customers on Champlin Ave. are still out and have around a total of 10 still out. Brent stated the sewer plant was able to keep up – pumps did not fail a lot of inflow from rain. We have been in contact with the DEC they are aware of the situation.

Trustee Allison asked if we could waive the cost of permits though the Code Office for any of the flood victims, make it easier for them to get repairs done, if they fix with in the reasonable time.

MOTION by Trustee Allison, seconded by Trustee Church to waive the building permit fees for any storm damage repairs.

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

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		27,401.18
Electric		391,610.82
Sewer		8,276.33
Water		8,538.27
Capital Projects		65.00
Total Paid Before Audit		\$ 435,891.60
Current Audit:		
General	\$	29,507.35
Community Development - CRC		-
Electric		193,304.07
Sewer		247,341.42
Water		52,366.55
Capital Projects		6,846.75
Total Current Audit Items		\$ 529,366.14
TOTAL AUDIT		\$ 965,257.74

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 35-2014 Approval of correction of Error-2014 Village Tax Levy.

WHEREAS, due to clerical error, unpaid 2013 Village of Penn Yan taxes for two properties that were turned over to Yates County were omitted from the County tax bills in January 2014; and

WHEREAS, the property owners are Duane Potter with a property location of 127 Ogden St. and tax map identification number of 61.27-1-67, and Margaret Breckenridge with a property location of 171 Seneca Ave. and tax map identification number of 49.68-2-28; and

WHEREAS, the Yates County Real Property Tax Director has completed an investigation and has filed a copy of the findings of that investigation; and

WHEREAS, the Yates County Real Property Tax Director and Yates County Treasurer have recommended that the Village of Penn Yan relevy these taxes and associated penalties in its 2014 tax levy.

Now Therefore, be it Resolved that:

1. The Board of Trustees of the Village of Penn Yan has reviewed these findings and approves of the correction of errors as noted below being reflected in the 2014 tax levy; and be it further resolved
2. That copies of this resolution be sent to the Yates County Director of Real Property Taxes and the Yates County Treasurer.

<u>Location</u>	<u>Due to Village of Penn Yan</u>	<u>Due to Yates County</u>	<u>Total</u>
127 Ogden St.	\$1,963.03	\$137.41	\$2,100.44
171 Seneca Ave.	\$ 914.08	\$ 63.99	\$ 978.07

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 36-2014 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	98.00
Milo	98.00

and

WHEREAS, this Board is to determine what proportion of the 2014-2015 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	\$ 17,156,440
Jerusalem	4,742,344
Milo	<u>155,463,178</u>
	\$ 177,361,962

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	\$ 17,156,440
Jerusalem	4,839,127
Milo	158,635,896

for a total Village full valuation of \$ 180,631,462

3. The proportion of the 2014-2015 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	.094980
Jerusalem	.026790
Milo	.878230

And be it further

RESOLVED that the 2014-2015 Village tax levy shall be levied upon each part of each town included in the Village in the following proportions:

Benton	9.498 %
Jerusalem	2.679 %
Milo	<u>87.823 %</u>
	100.00 %

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 37-2014 2014-205 Tax Levy

WHEREAS, THE Village Board of Trustees has adopted a budget for the fiscal year 2014-2015 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 2014-2015:

General Fund Tax Levy	\$ 2,780,280.90
TOTAL TAXES FOR 2014-2015 BUDGET	2,780,280.90
Delinquent Water Rents & Charges	1,766.31
Delinquent Sewer Rents & Charges	1,177.01
Relevied Village Tax	3,078.51

TOTAL TAX LEVY \$ 2,786,302.73

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. 36 - 2014, the following sums for the operation of Village government for the fiscal year beginning, June 1, 2014, at the following rates per thousand dollars of assessed valuation:

Town	% Tax Levy	Tax Levy	Assessed Valuation	Tax Rate per 1000
Benton	9.4980	264,072.07	17,156,440	15.392008
Jerusalem	2.6790	74,483.88	4,742,344	15.706131
Milo	87.8230	2,441,724.95	155,463,178	15.706131
	100.000	2,780,280.90	177,361,962	

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 38-2014 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 \$2,786,302.73 for the following purposes:

Town of:	Benton	Jerusalem	Milo	Total
2014-15 Tax Levy	264,072.07	74,483.88	2,441,724.95	\$2,780,280.90
Re-levied Water Rents	52.55	-	1,713.76	1,766.31
Re-levied Sewer Rents	46.15	-	1,130.86	1,177.01
Re-levied Village Tax	-	-	3,078.51	3,078.51
	\$264,170.77	\$74,483.88	\$2,447,648.08	\$2,786,302.73

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, 2014, 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 2014, 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 15, 2014.

MOTION by Trustee Church, seconded by Trustee Reeve to authorize either the Clerk/Treasurer or the DPW Director signs the renewal agreement from SCT Computers for the time period of June 1, 2014 – May 31, 2017.

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 39-2014 Budget Transfers for 2013-2014 Fiscal Year.

TO:			Date	Fund Totals
Account Id	Description			
ES-8130-4-411	Sewage Treatment-Legal Fees	4,115		
ES-8130-4-414	Sewage Treatment-Sludge Landfill Fees	27,394		
ES-8130-4-420	Sewage Treatment-Phone/Internet/Utilities	3,000		
ES-8130-4-505	Sewage Treatment-Process Machinery	12,063		
		<u>46,572</u>		
			General	-
			Electric	-
			Sewer	46,572
			Water	-
				<u>46,572</u>

FROM:

Account Id	Description	Date	
ES-8130-4-410	Sewage Treatment-Contractual Services	7,730	
ES-8130-4-413	Sewage Treatment-Fees & Permits	1,000	
ES-8130-4-417	Sewage Treatment-Maint on Vehicles	1,788	
ES-8130-4-440	Sewage Treatment-Lab Services	5,275	
ES-8130-4-480	Sewage Treatment-Prof Fees/Publications	4,000	
ES-8130-4-520	Sewage Treatment-Flocculant (Alum)	<u>26,779</u>	
		<u>46,572</u>	
			General -
			Electric -
			Sewer 46,572
			Water -
			<u>46,572</u>

Budget transfers within the sewage treatment cost center to accommodate 1) higher than budgeted sludge hauling and landfill fees; 2) unbudgeted legal expenses; 3) purchase of a pump in the process machinery account; and 4) higher than budgeted utility costs.

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

MOTION by Trustee Church, seconded by Trustee Reeve to authorize Resolution No 40-2014 Budget Transfers for 2013-2014 Fiscal Year.

TO:			Fund
Account Id	Description	Date	Totals
A -8010-4-410	Zoning-Contractual Services	70	
A -8010-4-480	Zoning-Professional & Training	<u>70</u>	
		<u>140</u>	
			General 140
			Electric -
			Sewer -
			Water -
			<u>140</u>
FROM:			
A -8010-1-100	Zoning-Personal Services	<u>140</u>	
		<u>140</u>	
			General 140
			Electric -
			Sewer -
			Water -
			<u>140</u>

Budget transfer to move surplus from personal services account to contractual services (to cover cost overrun and additional public notices) and professional and training (to cover travel cost associated with upcoming meeting).

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 41-2014 Budget Transfers for 2013-2014 Fiscal Year.

TO:			Fund
Account Id	Description	Date	
EW-8340-4-400	Transmission & Distr-Engineering	<u>6,500</u>	
		<u>6,500</u>	
			General -
			Electric -
			Sewer -
			Water 6,500
			<u>6,500</u>
FROM:			
EW-8340-4-414	Transmission & Distr-Maint on Mains	2,500	
EW-8340-4-500	Transmission & Distr-Supplies & Material	<u>4,000</u>	
		<u>6,500</u>	
			General -
			Electric -

Sewer	-
Water	<u>6,500</u>
	<u>6,500</u>

Budget transfer to move surplus funds to engineering account to accommodate engineering services regarding the transfer of water services on Liberty Street.

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

MOTION by Trustee Church, seconded by Trustee Reeve to authorize Resolution No 42-2014 Budget Transfers for 2013-2014 Fiscal Year.

TO:

Account Id	Description	Date	Fund Totals
A -5110-2-200	Street Maintenance-Equipment	2,500	
A -5110-4-413	Street Maintenance-Vehicle & Equipment Repairs	400	
A -5110-4-415	Street Maintenance-Landscaping/Tree Removal	175	
A -5110-4-500	Street Maintenance-Supplies & Materials	4,150	
		<u>7,225</u>	
			General 7,225
			Electric -
			Sewer -
			Water -
			<u>7,225</u>

FROM:

Account Id	Description	Date	Fund Totals
A -5110-1-120	Street Maintenance-Part Time	2,500	
A -5110-2-230	Street Maintenance-Crack Filling/Chip Sealing	3,500	
A -5110-4-400	Street Maintenance-Engineering	150	
A -5110-4-410	Street Maintenance-Contractual Services	100	
A -5110-4-480	Street Maintenance-Prof Fees/Publication	500	
A -5110-4-520	Street Maintenance-Salt & Sand	225	
A -5110-4-540	Street Maintenance-Signs & Posts	250	
		<u>7,225</u>	
			General 7,225
			Electric -
			Sewer -
			Water -
			<u>7,225</u>

Budget transfers within Streets cost center to accommodate purchase of a trailer and overhead doors and to clean up accounts that were overspent.

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

MOTION by Trustee Church, seconded by Trustee Allison to authorize Resolution No 43-2014 Budget Transfers for 2013-2014 Fiscal Year.

TO:

Account Id	Description	Date	Fund Totals
A -1010-4-500	Board of Trustees-Supplies and Materials	100	
A -1210-4-500	Mayor-Supplies and Materials	50	
A -1325-4-410	Treasurer-Contractual Services	300	
A -1620-4-410	Village Facilities-Contractual Services	1,110	
A -3120-4-450	Police-Computer Services	500	
A -3620-4-480	Safety Inspections-Prof Fees/Publication	100	
A -3620-4-500	Safety Inspections-Supplies and Materials	100	
A -8810-4-420	Cemetery-Phone/Internet/Utilities	200	
		<u>2,460</u>	
			General 2,460
			Electric -

			Sewer	-
			Water	-
			-	<u>2,460</u>
FROM:				
Account Id	Description		Date	
A -1010-1-100	Board of Trustees-Personal Services	100		
A -1210-1-100	Mayor-Personal Services	50		
A -1325-4-480	Treasurer-Prof Fees/Publications	300		
A -1621-4-412	Buildings & Grounds-Gas	1,110		
A -3120-4-412	Police-Gas & Oil	500		
A -3620-1-100	Safety Inspections-Personal Services	200		
A -8810-4-412	Cemetery-Gas & Oil	200		
		<u>2,460</u>		
			General	2,460
			Electric	-
			Sewer	-
			Water	-
				<u>2,460</u>

Budget transfers to address cost over runs/negative balances across several cost centers.

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

MOTION by Trustee Church, Seconded by Trustee Reeve to authorize Resolution No 47-2014 Amending and Restating in Its entirety Bond Resolution No 36-2013 of the Village dated April 30, 2013 Authorizing the Reconstruction of and Resurfacing of Various Roads throughout the Village; Estimating that the total cost thereof is \$764,000; appropriating said amount therefor; Authorizing the issuance of \$467,000 in serial Bonds of the Village to Finance said Appropriation. (ROLL CALL VOTE)

WHEREAS, the New York State Department of Transportation is offering funding under the Transportation Alternatives Program (TAP) for alternative transportation projects; and

WHEREAS, THE Village of Penn Yan’s Alternative Transportation project to provide trail connections between Downtown and the Keuka Lake Outlet Trail qualifies under the TAP funding program; and

WHEREAS, Penn Yan’s Alternative Transportation Project is a high priority for the Village;

NOW THEREFORE, BE IT RESOLVED, that the Village of Penn Yan Board of Trustees enthusiastically supports the submission of the TAP grant application by the Mayor;

BE IT FURTHER RESOLVED that the Village hereby commits to providing 25 percent of the costs to design and construct the Penn Yan Alternative Transportation Project.

Mayor church called for a roll call vote:

Mayor MacKerchar	Aye	Trustee Benedict	Aye	Trustee Christensen	Absent
Trustee Allison	Aye	Trustee Church	Aye	Trustee Reeve	Aye
Trustee Stewart	Aye				Adopted

PERSONNEL:

MOTION by Trustee Benedict, seconded by Trustee Reeve to terminate Joshua Smith as the temporary Utilities Service Worker effective May 9, 2014 and return to DPW HEO position effective May 12, 2014.

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

MOTION by Trustee Benedict, seconded by Trustee Reeve to appoint Donald Dixon effective May 12, 2014 for a temporary assignment position as Utilities Service Worker for 90 days. He will remain at Grade 5 Step 18, \$22.06 per hour.

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

Trustee Benedict asked to table the MOTION to create a full time Water/Sewer Maint. Worker position.

Trustee Benedict stated the Personnel committee will have a meeting on Wednesday June 4th, 2014 at 10:00AM.

PUBLIC SAFETY:

POLICE DEPARTMENT:

No update

FIRE DEPARTMENT:

Monthly Fire Department report

Year to Date Fire Department report

Chief Housel stated they had over 200 calls during and after the storm pumping out basements etc. Chief Housel thanked everyone from the volunteer Fireman, Community members, kids and anyone that helped out during this time it was appreciated. Trustee Reeve asked Chief Housel to convey to the Fire Department the Board thanks them for all they did. Trustee Allison also thanked the Fire Department for their services, the many volunteers that took time off from their jobs and the many hours that all the volunteers put in during the flood and aftermath. Also thanks for the surrounding Fire Departments which came in and gave us assistants from helping with business and or residents home. Trustee Allison thanked the various businesses or individuals who brought in food in to help feed us all and the out pouring support the community has received from everyone.

MOTION by Trustee Allison, seconded by Trustee Benedict for Michael Carmel to take a lateral transfer from Hunter Hook and Ladder Company to Hydrant Hose Company effective May 16, 2014.

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

Mayor MacKerchar reminded everyone the Fireman’s Carnival is earlier this year will run from August 7-8 & 9. Parade will be August 9th. Chief Housel invited any of the Trustees who wish to ride in the parade to contact them. Parade starts at 6:00 PM.

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 34-2014 Permitting of Alcoholic Beverages at Fireman’s Field for Specified Events in 2014.

WHEREAS, the Village of Penn Yan owns premises known as Firemen’s Field which premises are classified as a “park” pursuant to §132-1 of the Village Code; and

WHEREAS, permitting of alcoholic beverages at Firemen’s Field requires adoption of a resolution by the Board of Trustees of the Village of Penn Yan; and

WHEREAS, a list of events at the Firemen’s Field at which alcoholic beverages may be offered has been received by the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees permits the use of alcoholic beverages at the 2014 events listed on “Schedule A” which is attached hereto and made a part hereof.
2. This permitting of alcoholic beverages does not avoid the necessity of the obtaining of a license or permit from the State of New York with respect to use or distribution of alcoholic beverages as may otherwise be required by the laws, rules or regulations of the State of New York.
3. This permitting of alcohol is subject to all laws, rules and regulations of the State of New York applicable to the use, distribution and/or sale of alcoholic beverages.

Discussion: The Schedule A is attached – it’s the updated list of activities at the field. Trustee Stewart questioned are all these groups going to have alcohol? Not all events will have alcohol if they do they fill out an alcohol permit. Trustee Stewart questioned how does this protect the Village? Atty. Brockman explained that is a separate issue. The Village code requires anyone who will be serving alcohol needs a permit from the village-that permits does not override the State Liquor Authorizes.

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

CODE ENFORCEMENT:

No update

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Reeve to declare varies items as surplus from Village Hall (11- printers, 2-fax machines, 2-adding machine, 2- monitors, 1- air conditioner, 5- power strips, 1-key board, and 2-fax machine)

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

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize Mayor MacKerchar signs the SEQR form for Penn Yan Bio solids Compost Facility Project No.8-MSWSS-150

Discussion; Atty. Brockman explained the SEQR for the Bio Solids Compost Facility Project will not be reviewed tonight. This is the old form. Will get new form for Bill Jensen and have it ready for the Special Board meeting on May 30. Trustee Allison and Benedict withdrew their motion.

MOTION by Trustee Allison, seconded by Trustee Reeve to move forward with the project for pedestrian signs for the top of East Main Street and Himrod Road Intersection.

Discussion: Brent Bodine talked about the intersection the top of East Main Street and old 14A. This is quite wide would like to install an island and flashing pedestrian crossing signs down E. Main Street. To notify traffic that a pedestrian is in the cross walk. Brent states this has been discussed at Public Works & Public Safety Committees.

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

PARKS & RECREATION:

No update

PLANNING & DEVELOPMENT:

MOTION by Trustee Reeve, seconded by Trustee Stewart to authorize Resolution No 47-2014 (TAP) Transportation Alternatives Program Grant and to provide a Cost Share.

WHEREAS, the New York State Department of Transportation is offering funding under the Transportation Alternatives Program (TAP) for alternative transportation projects; and

WHEREAS, THE Village of Penn Yan’s Alternative Transportation project to provide trail connections between Downtown and the Keuka Lake Outlet Trail qualifies under the TAP funding program; and

WHEREAS, Penn Yan’s Alternative Transportation Project is a high priority for the Village;

NOW THEREFORE, BE IT RESOLVED, that the Village of Penn Yan Board of Trustees enthusiastically supports the submission of the TAP grant application by the Mayor;

BE IT FURTHER RESOLVED that the Village hereby commits to providing 25 percent of the costs to design and construct the Penn Yan Alternative Transportation Project.

Discussion: Trustee Reeve explained this is for (2) two pedestrian bridges for the Outlet Trail. One is on the East side of Main Street Bridge and second for the old railroad trestle which runs from Main Street over to Water Street.

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

PLANNING BOARD:

COMMENTS

Bill Burg express his special thanks to the Fire Department(s) for saving the lives from the two story house on Champlin Ave. and the volunteers that have all helped out. Trustee Reeve also thanked all village employees, crews and supervisors our thanks and gratitude during this event.

Mayor MacKerchar expressed his gratitude and mentioned the enormous support we have received from everyone, he also mentioned what a tremendous group of employees, fire department, volunteers and the community we have. Mayor stated the State has helped us and not sure if FEMA will be here to help. Have three groups to help us out: 1. Finger Lakes Economic Center with Steve Griffin for Business 2. Keuka Housing Council, Inc. for homeowners and 3. The Living Well for cleanup, volunteer’s referrals for

other services. Mayor MacKerchar read aloud a portion of a letter he received from a lady who is 85+ years old that lived on Champlin Ave. during the flood in 1934. She also sent along \$10.00 to help with the funds.

Trustee Benedict mentioned people need to get cost information to Birkett Mills – general estimates to fix things.

Brent Bodine stated the Village will have dumpster set up at Powell Lane to help flood victims clean their places up and get rid of items that were damaged from the flood.

Gwen Chamberlain – stated she received a message that the Living Well has more volunteers to place than they have places to clean up.

EXECUTIVE SESSION:

At 7:04 PM, **MOTION** by Trustee Benedict, seconded by Trustee Stewart to enter into Executive Session.

ADOPTED Ayes 6 Church; Allison, Benedict, Reeve, Stewart and Winslow
Nays 0 Abstain 0 Absent Christensen

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:55 PM, **MOTION** by Trustee Reeve, seconded by Trustee Allison to leave Executive Session and return to regular Village Meeting.

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

MOTION by Trustee to create a full time Water/Sewer Maint. Worker position to be filled as soon as it becomes appropriate.

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

ADJOURNMENT:

At 7:59 PM, **MOTION** by Trustee Allison, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: