

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, June 21, 2016 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor L. MacKerchar; Trustees W. Allison: 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:

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

PUBLIC:

6:00 PM PUBLIC HEARING – (CDBG) Community Development Block Grant

At 6:00PM **MOTION** by Trustee Allison, seconded by Trustee Benedict to open the Public Hearing for the (CDBG) Community Development Block Grant (Sheppard Street, Johnson Ave. and Myrtle Ave.)

Mayor asked if anyone had any comments or concerns. No comments.

Discussion: Trustee Reeve asked if this could be used for upgrades of housing improvements. Mayor explained this is for the infrastructure new water line for Sheppard Street, Johnson Ave. and Myrtle Ave.

At 6:07PM **MOTION** by Trustee Reeve, seconded by Trustee Benedict to close the Public Hearing.

Atty. Brockman reviewed in full the (SEAF) Short Environmental Assessment Form

MOTION by Trustee Benedict, seconded by Trustee Condella to adopt and authorize the Mayor to sign the Short Environmental Assessment Form.

CALL FOR EXECUTIVE SESSION:

No Executive Session tonight

MINUTES:

MOTION by Trustee Benedict, seconded by Trustee Condella to approve the Village Board Minutes from May 17, 2016.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Bill Laffin mentioned the Governor has proclaimed the week of July 10th invasive species week. We will be having an open house on July 11 from 10:00am – Noon if anyone is interested in stopping by to learn more about what the Keuka Lake Association is doing. Mr. Laffin explained last year inspected 600 boats at Penn Yan boat launch & the State Park. This year we have seen 1300 boats from Penn Yan boat launch, State Park and in Hammondspport. The inspection program is working.

MOTION by Trustee Reeve, seconded by Trustee McLoud to authorize Elm Street to be closed for approximately 20-30 minutes from Main Street to Liberty Street for the 911 Memorial Motorcycle Ride on Sunday September 11, 2016.

Discussion: Mayor explained the ride is organized by Trustee Allison and will have approximately 200-300 riders. Trustee Allison is asking to have Elm Street blocked off from Main Street – Liberty Street for about 30 minutes between 2:00PM – 3:00PM for the Office of Emergency Management and other dignitaries from the State, County and Village to speak in front of the Fire House. Trustee Allison recused himself from the vote.

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

MAYOR:

Mayor MacKerchar mentioned Sheriff Spike wanted to Thank Chief Mark Hulse and Officer Wayne Marsh for their participating in the memorial service at the Sheriff Department.

ATTORNEY:

Mayor MacKerchar explained (DRI) Downtown Revitalization Initiative. Steve Griffin from Finger Lakes Economic Development Center and John Steinmack for the great work over a short period of time to get paper work sent in for money that will be available. Mayor MacKerchar stated we didn't make the final run for the money but feels we should stay in the game.

MOTION by Trustee Benedict, seconded by Trustee Reeve to authorize Resolution No 75-2016 Authorizing the submission of an application to the Empire State Development Corporation for the "Downtown Revitalization Initiative for the Village of Penn Yan downtown restoration project.

Discussion: Atty. Brockman asked to have Resolution No 75-2016 revised. Should be an "unlisted action" and a Short Environmental Assessment Form will be completed. He asked the Motion should have stated to adopt the SEQRA subject to the changes that need to make should be an "unlisted action" and a Short Environmental Assessment Form will be completed.

Revised MOTION Trustee Benedict seconded by Trustee Reeve to authorize Resolution No 75-2016 Authorizing the submission of an application to the Empire State Development Corporation for the "Downtown Revitalization Initiative for the Village of Penn Yan downtown restoration project and be an "unlisted action" and a Short Environmental Assessment Form will be completed.

WHEREAS, the Empire State Development Corporation has issued a "Request for Proposals" for the "Downtown Revitalization Initiative" a program designed to encourage economic development and neighborhood growth by providing \$10 million to one community in each region for transformative housing, economic development, transportation and community projects that will attract and retain residents, visitors and businesses; and

WHEREAS, the Village of Penn Yan, through a partnership with the Finger Lakes Economic Development Center, has identified more than \$80 million in potential private development opportunities through public outreach and its draft comprehensive planning procedures as well as that of the community lead Vision 2020 plan, that need local and state financial resources to help push them forward.

NOW, THEREFORE, BE IT RESOLVED, by the Village of Penn Yan Board of Trustees:

1. The Board of Trustees designates itself as "Lead Agency" for SEQRA purposes, it is hereby determined that this be listed as an "unlisted action" and a Short Environmental Assessment Form will be completed.
2. The Village Mayor is hereby authorized and directed to execute and file an application to the Empire State Development Corporation for the "Downtown Revitalization Initiative" to support the ongoing redevelopment of the Village of Penn Yan.
3. Any acts previously taken by the Mayor with respect hereto are hereby ratified and affirmed.

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

Atty. Brockman explained it appears a portion of Central Avenue has been maintained by the Village and used by the public continuously for over 10 years. Atty. Brockman has received an Affidavit from DPW Supervisor Don Rapalee and a Certification from Brent Bodine that the Village has used and maintained this section of road. This will be added to the map for CHIPS.

MOTION by Trustee Reeve, seconded by Trustee McLoud to authorize Resolution No 77- 2016 Ratification of a Portion of Central Avenue as a Public Street.

WHEREAS, an issue has arisen as to the status of the portion of Central Avenue south of Seneca Street being a Village Street; and

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

WHEREAS, both DPW Director Bodine and Street Supervisor Rapalee, having affirmed that the portion of Central Avenue south of Seneca Street has been maintained by the Village and used by the public continuously for over ten (10) years as a public street; and

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

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

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan hereby establishes itself as "Lead Agency" for this action, determines that no negative environmental impacts will result, designates the Action as "Type II"

pursuant to 6NYCRR§617 and accordingly no environmental review will be undertaken.

2. It is hereby found and determined that, based upon the Certificate made by DPW Director Bodine and the Affidavit of Street Supervisor Rapalee, the section of Central Avenue, south of Seneca Street has been used continuously by the public as a street and that the Village has exercised control over it as a street from Seneca Street southerly to approximately forty (40) feet from the northerly bank of Keuka Outlet, including the sidewalk along the westerly side of the street.

3. Accordingly, it is hereby ratified and confirmed that the section of Central Avenue from Seneca Street southerly to approximately forty (40) feet from the northerly bank of Keuka Outlet is a public street, including the sidewalk along the westerly side thereof.

4. That all steps necessary be taken to assure that the subject section of Central Avenue be included in the Village inventory of streets, the official map of Village streets and any other requisite action with respect hereto be had.

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

COMMUNITY REVITALIZATION:

Mayor stated at the last meeting finalized the old LDC, no longer under HUD funds. Its Village funds, also looking into if we can use money for either residential along with commercial. Question is are we able to use for Historical residential housing. Mayor will look in to this.

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee McLoud to approve the proposed plan for Town of Milo’s water district #3 for main replacement/loop.

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

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize the Mayor to execute the Inter-Municipal Assistance Agreement with Town of Jerusalem.

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

MOTION by Trustee Allison, seconded by Trustee Condella to declare 20 transformers as surplus and authorize them to be recycled.

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

MOTION Trustee Allison, seconded by Trustee Condella to authorize the waiver of the late payment penalties for Castner’s Performance Systems in the amount of \$161.54.

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

MOTION Trustee Allison, seconded by Trustee Condella to grant sewer forgiveness in the amount of \$286.03 to Brandon Parish for property located at 17 Commercial Avenue.

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

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize the Mayor to sign the revised Agreement between Village of Penn Yan and Elliott Engineering Solutions for the Waterfront Revitalization Sanitary Sewer Upgrades.

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

MOTION by Trustee Allison, seconded by Trustee Condella to declare the 2004 Rover 600 Sewer Camera as surplus and authorize that it be sold at fair market value.

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

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize permission to go out for bid for the Seneca Street-CDBG Grant project.

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

MOTION by Trustee Allison, seconded by Trustee Stewart to approve Utility Payment Agreements in the amount of \$10,385.23

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

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize issuing a Notice of Award to V & B Underground Utilities, Inc. in the amount of \$64,677.60 for the DOT State Rte. 54A over Sucker Brook Culvert Replacement.

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

FINANCE & ADMINISTRATION:

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

AUDIT:

| | Amount: |
|----------------------------------|------------------------|
| Paid Before Audit: | |
| General | 132,224.79 |
| Electric | 237,944.59 |
| Sewer | 6,437.11 |
| Water | 7,114.24 |
| Capital Projects | |
| Total Paid Before Audit | \$ 383,720.73 |
| Current Audit: | |
| General | \$ 222,831.60 |
| Community Development - CRC | - |
| Electric | 115,232.98 |
| Sewer | 460,939.61 |
| Water | 117,523.75 |
| Capital Projects | 9,892.07 |
| Total Current Audit Items | \$ 926,420.01 |
| TOTAL AUDIT | \$ 1,310,140.74 |

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

PERSONNEL:

MOTION by Trustee Stewart, seconded by Trustee Benedict to amend Resolution 72-2016 Non-Union Salary Schedule June 1, 2016 – May 31, 2020, added Chief of Police, Hulse 1.5% increase 74909.00 annual 36.01 per hour. Correction Deputy Clerk, Mary Ann Martin 2% increase 42092.00 annual 20.24 per hr.

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

MOTION by Trustee Stewart, seconded by Trustee McLoud to accept Jef Bodine’s resignation effective June 24, 2016, Employed 26 years.

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

MOTION by Trustee Stewart, seconded by Trustee Benedict authorize to advertise and hiring for an apprentice line worker for the electric department. Anticipate hiring in time for January training school.

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

MOTION by Trustee Stewart, seconded by Trustee McLoud to authorize to hire Sue Wilson, O’Brien Daily and Alex McKay as seasonal recreation leaders, \$9.00 per hour, Patricia Court, Lifeguard \$11.00 per hour.

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

MOTION by Trustee Stewart, seconded by Trustee McLoud: Potential seasonal hires, which have been approved by (YCP) Yates County Personnel and who have gone through an interview process with Dan Doyle and have been approved by the appropriate Committee Chairperson and the Chairperson of the personnel committee, may be retroactively hired by the Village Board.

Discussion: Trustee Reeve questioned this process. Mayor explained if we have vacancies and need to hire someone and they have been already been approved by YCP, Dan Doyle, Parks and the Personnel Committee. They will not have to wait until the next Village Board meeting to get hired. They would start and Village Board will approve at the next Board meeting. Explain if we need Lifeguards for the Parks, we can't wait. Trustee Reeve understands the reasoning.

Revised **MOTION** by Trustee Stewart, seconded by Trustee McLoud: Potential seasonal hires, which have been approved by (YCP) Yates County Personnel and who have gone through an interview process with Dan Doyle and have been approved by the appropriate Committee Chairperson and the Chairperson of the Personnel Committee, may be provisionally hired subject to Village Board approval and Subject to the training for lifeguards if needed.

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

MOTION by Trustee Stewart, seconded by Trustee Reeve Potential lifeguard seasonal hires, when receive their training certification; Clay Kinyoun and Alison Wilkerson, 11.00 per hr.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize the Mayor to sign the Pre-Arrestment Detention Agreement by Sheriff of Yates County & Village of Penn Yan for Police Department Prisoners.

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

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize Resolution No 76-2016 **Proposed** Agreement with Yates County Sportsmen's Association for use of their facility for Penn Yan Police Department Firearms Training and Practice.

WHEREAS, the Penn Yan Police Department (PYPD) personnel require a location for firearms training and practice from time to time; and

WHEREAS, the YCSA owns property in Yates County which contains facilities for such firearms training and practice; and

WHEREAS, the YCSA is willing to allow the use of their facilities by the PYPD for firearms training and practice upon execution of an agreement with respect thereto between the YCSA and the Village of Penn Yan; 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;

4. The Board of Trustees designates itself as "Lead Agency" for SEQRA purposes, it is hereby determined that there will be no adverse environmental impact as a result of this action, the action is thereby declared to be "Type II" and accordingly no environmental review will be undertaken.
5. The proposed agreement with YCSA for use of their facilities for firearms training and practice by the PYPD is hereby approved and the Mayor is authorized and directed to execute same on behalf of the Village of Penn Yan in a format and with content satisfactory to himself, the Chief of Police of the PYPD and the Village Attorney.

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

MOTION by Trustee Allison, seconded by Trustee to authorize the Revocable Land Use Agreement between Yates County Sportsmen’s Association and the Penn Yan Police Department for two years with a fee of \$50.00 per day when used and additional \$200.00 if target and spent brass are not removed from premises, with the revised agreement being subject to review by the Yates County Sportsmen’s Association.

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

Mayor MacKerchar mentioned we had a resident inquiring on the speed limit on Burns Terrace asking to have it lowered that cars are speeding on the road. Village speed limit is 30 miles per hour. Chief Hulse will see if he is able to use the Sheriff speed limit machine. Chief feels when school is out that traffic will calm down. Trustee Allison mentioned when the Elm Street project begins in September there will be no parking sign in place on Burns Terrace during this time period.

Trustee Reeve stated this was brought to his attention the speed limit on RT 54 by Morgan Marine has changed to 55. Questioning why this was not brought to the Village’s attention. Chief Hulse mentioned the State did do a study and found no accidents in that area and no reason why to lower it, so instead of lowering it they increased it to 55. Trustee Reeve asked if Mayor could discuss this with Milo Supervisor Leslie Church and if a joint letter could be written to the DOT. He feels this is an accident waiting to happen, coming into town from 55 then to 30. You have boats coming out of the Marina and Red Jacket park right there. Atty. Brockman suggested the best way to do this is. 1. Get a petition from residents near this area. 2. With conjunction of the petition you involve the State Representatives. They have a lot of pressure they could put on the DOT.

FIRE DEPARTMENT:

Update of activities at Firemen’s field

CODE ENFORCEMENT:

MOTION by Trustee Allison, seconded by Trustee Condella to authorize the Village to cut the high grass and weeds at the following address and place the necessary cost plus 10% on the tax bill for next year (2017).

| | | |
|----------------------------------|---------------------|--------------------|
| Lot at south end of Lincoln Ave. | 103 Garfield Ave. | 112 Clinton Street |
| Vacant lot on Lincoln Ave. | 112 Lawrence Street | |
| 306 East Elm Street | 223 North Ave. | |
| 119 Cherry Street | 127 Franklin Street | |

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

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Condella to go out to bid for the beginning phase of the parking lot repair at Basin Street.

Discussion: Director Bodine pointed out that this permission was for the Village to out to bid for a contractor to complete the work scope defined by FEMA projects PA-02-NY-4180-PW-544 & 524 and approved by FEMA to proceed on 8/14/2015 & 1/22/2015 respectively. These two projects will fill in the hole left after the Owl’s Nest collapsed and rebuild the sidewalk and stone arch along Seneca Street.

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

PARKS & RECREATION:

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Care Net Pregnancy Center of Penn Yan to hold their annual 5k runs starting at Indian Pines Park on Saturday, September 10th.

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

PLANNING & DEVELOPMENT:

PLANNING BOARD:

Trustee Reeve mentioned no Steering Committee meeting until they receive feedback from the submission of the grant plan to the Economic Development. Once we hear back on comments will set up meeting.

