

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, July 19, 2016 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor L. MacKerchar; Trustees W. Allison; 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; CEO B. Lyon; Fire Chief M. Clancy

ABSENT: Trustee C. Benedict; Police Chief M. Hulse

No News Media present:

PUBLIC: Mark Morris, Jake Provoost, Ryan Martinez

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize to have an Executive Session to discuss a potential contract issue.

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

MINUTES:

MOTION by Trustee Stewart, seconded by Trustee McLoud to approve the Village Board Minutes from June 21, 2016.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION by Trustee Reeve, seconded by Trustee Allison to authorize the Annual Chamber of Commerce Sidewalk Sale for July 30, 2016 from 7:30 AM – 1:00PM.

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

Jake Provoost owner of American Best Seal Coating Company here in Penn Yan, is asking the Board to consider contractors like himself to allow their signs be placed on the lawns after the project is completed for a period of 1-2 weeks or 30 days. This is a way for us to advertise our business. Mr. Provoost mentioned we are the only Village that they are unable to place signs out. Mayor explained this is what our Village Code states. After a brief discussion Mayor MacKerchar asked if this portion of the code could be reviewed again and looked at for contractors. Mayor asked Trustee Reeve to take to the Planning Board.

Ryan Martinez owner of True Seal coating business here in Penn Yan mentioned Bruce Lyon has spoken with him regarding signs on his vehicle. Bruce Lyon explained he does not have a problem with the signs on his vehicle; the problem is the trailer with the equipment on it. Bruce stated Mr. Martinez lives in a residential area not a commercial area. Mr. Martinez also feels the seasonal contractors have only 5 months to do there kind of business and wishes they could have signs placed in lawns for 1-2 weeks or up to 30 days. After a brief discussion Trustee Reeve questioned Mr. Martinez have you been given notice in writing, Bruce said yes he has. Atty. Brockman and Trustee Reeve suggested to Mr. Martinez he could appeal this and send in a letter to the ZBA (Zoning Board of Appeal). Atty. explained you would write a letter explaining and give some suggestions on how to cover up the area where the trailer is. The ZBA might give you a variance Trustee Reeve mentioned trees are one way to help. Mayor MacKerchar is asking Planning to review this section in the Code book.

MAYOR:

Mayor MacKerchar mentioned he met with Steve Griffin and the President of Keuka College and other members of Keuka College on revising the Sampson Theater. Mayor explained they are looking at student housing for approximately 60 students in the downtown and surrounding areas of the Village. They have a few different ideas and would like Planning & Development to work with them.

ATTORNEY:

COMMUNITY REVITALIZATION:

No update

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize Resolution No 79-2016, appoints Brent Bodine as the delegate for the MEUA (Municipal Electric Utilities Association) Annual Conference in Ellicottville, NY, August 30th – September 2, 2016.

WHEREAS, the Village Board of the City/Town/Village of Penn Yan, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on August 30, 31, September 1, 2, 2016, to be held at Holiday Valley, Route 219, Ellicottville, N.Y, and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

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

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

MOTION by Trustee Allison, seconded by Trustee McLoud to authorize the Mayor to sign the Sanitary Sewer and Utility Easement between the Village and Town of Jerusalem regarding (2) two parcels – Indian Pines Park and 110 Hicks Street.

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

MOTION by Trustee Allison, seconded McLoud to authorize Ben Sward to attend NYWEA DMR (New York Water Environmental Association) training in Bath, Friday July 22, 2016 at a cost of \$60.00;

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

MOTION by Trustee Allison, seconded by Trustee Condella to authorize the Mayor to sign the NYSDOT Resolution No 82-2016 which authorizes the Mayor to sign any and all agreements with NYS DOT relating to the NY 54A over Sucker Brook culvert replacement project, PIN 6011.19.

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

MOTION by Trustee Allison, seconded by Trustee Condella to authorize the change order for the Waterfront Sanitary Sewer Upgrade Project in the amount of \$7,017.62.

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

MOTION by Trustee Allison, seconded by Trustee Condella to authorize Town of Milo to maintain the existing sewer connection with the recommendation by Brent Bodine that a flow meter be installed at the Keuka Estates property.

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

MOTION by Trustee Allison, seconded by Trustee Condella to authorize Resolution No 78-2016 Submission of Community Development Block Grant Application of 2016.

WHEREAS, the Village of Penn Yan intends to make application for a Community Development Block Grant for 2016, a public hearing having been held with respect thereto, upon due notice, on June 21, 2016 and it further appearing that SEQRA issues will be dealt with by the Board of Trustees.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan designates itself as “Lead Agency” for SEQRA purposes, determines that this is an “Unlisted” action and therefore a short Environmental Assessment Form (SEAF) has been prepared and reviewed at the June 21, 2016 Village Board Meeting.

2. The Mayor of the Village of Penn Yan, County of Yates and State of New York is hereby authorized as the official representative of the Village of Penn Yan to execute and submit the Community Development Block Grant application to the administrative agency for the Fiscal Year 2016 program, all understandings and assurances contained therein, and is hereby directed and authorized to act in connection with the submission of the application and to provide such additional information and/or documentation as may be required.

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

MOTION by Trustee Allison, seconded by Trustee McLoud to approve Utility Payment Agreements in the amount of \$9,799.83

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

MOTION by Trustee Condella, seconded by Trustee Allison to authorize Resolution No 781-2016 TAP Grant (bicycle-pedestrian Project).

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

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		28,155.35
Electric		144,448.45
Sewer		6,909.15
Water		7,732.37
Capital Projects		
Total Paid Before Audit		\$ 187,245.32
Current Audit:		
General	\$	31,028.15
Community Development - CRC		-
Electric		31,154.65
Sewer		95,478.30
Water		24,766.41
Capital Projects		40,361.94
Total Current Audit Items		\$ 222,789.45
TOTAL AUDIT		\$ 410,034.77

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

MOTION by Trustee McLoud, seconded by Trustee Reeve to authorize Resolution No 80-2016 Budget Transfers for Fiscal Year 2016-2017 unexpected removal of tree at Red Jacket Park

<u>TO:</u>			Fund
Account Id	Description	Date	Totals
A -7140-4-415	Parks & Recreation-Landscaping/Tree Removal	1,605	
		<u>1,605</u>	
		General	1,605
		Electric	-
		Sewer	-
		Water	-
		-	<u>1,605</u>

FROM:

Account Id	Description	Date	
A -1990-4-400	CONTINGENCY	1,605	
		<u>1,605</u>	
			General 1,605
			Electric -
			Sewer -
			Water -
			<u>1,605</u>

Budget transfer from contingency account to pay for the unexpected emergency tree removal that was needed in Red Jacket Park.

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

Brent Bodine mentioned the Public Works Office plans on bring in an arborist to evaluate other trees at the Parks.

Trustee McLoud stated the Ban notes were sold last week for the Street project at an interest rate of 1.1856.

PERSONNEL:

MOTION by Trustee Stewart, seconded by Trustee Reeve to retroactively approve the hiring of the following individuals as lifeguards at the rate of \$11.00 per hour:

<u>Name</u>	<u>Start Date</u>
Ethan Bower	6/25/16
Emily Fingar	6/26/16
Scott Fingar	6/26/16
Parker Simmons	7/02/16
Robert Wigsten	6/29/16
Nathan Christensen	7/11/16

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

MOTION by Trustee Stewart, seconded by Trustee McLoud to approve the creation of a Lieutenant position within the Police Department, and authorizing Chief Hulse to move forward with testing and recruitment for the position.

Discussion: Trustee Reeve questioned are we creating a lieutenant position? Mayor explained we currently do not have a position which means our staff is unable to take the test and be left out if a position does become available. When we create the position our staff will be placed on the list for future openings. Trustee Allison explained the motion is only to authorize the staff to take the test; the position has not been presented to the Personnel Committee yet. Atty. Brockman suggested revising the motion and removing recruitment.

Revised **MOTION** by Trustee Stewart, seconded by Trustee McLoud to approve the creation of a Lieutenant position within the Police Department, and authorizing Chief Hulse to move forward with testing for the position.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for June

MOTION by Trustee Allison, Seconded by Trustee McLoud to authorize two Officers to attend the Ontario County Safety Training STOP-DWI seminar on Tuesday August 16, 2016 from 8:00AM – 4:00PM in Canandaigua. No cost

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

FIRE DEPARTMENT:

Chief's Report for June

Chief Clancy stated the Penn Yan Fire Department attended the Geneva Firemen's parade last week with 25 people attending; it's a very nice parade. They received 5 awards. Best overall – most men in line – best color guard – best pumper and best ladder truck. Great job to the men and Department.

CODE ENFORCEMENT:

PUBLIC WORKS:

PARKS & RECREATION:

MOTION by Trustee Condella, seconded by Trustee Reeve to authorize the Mayor to issue a Letter of Support for Yates County Community Center's grant application.

Discussion: Mayor stated the YCRR is going for a ½ million dollar grant and asking for a support letter. They are looking at improving the fields and major improvements/ upgrades to the building.

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

MOTION by Trustee Condella, seconded by Trustee Reeve to authorize Resolution No 83-2016 Application for Environmental Protection Fund: Parks, Preservation, and Heritage Grants.

WHEREAS, the Village of Penn Yan is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project to be located at Red Jacket Park and Lake Street Park, two sites located within the territorial jurisdiction of this Village Board of Trustees;

NOW THEREFORE BE IT RESOLVED, by this July body that the Board of Trustees of the Village of Penn Yan, hereby does approve and endorse the application for a grant under the Environmental Protection Fund: Parks Preservation, and Heritage Grants for a park improvement projects known as "Red Jacket/Lake Street Playground Project" and located in this Village, and that Mayor of the Village of Penn Yan, Leigh MacKerchar, is authorized and directed to execute such documents, as are necessary, to implement such application and receipt and expenditure of the funds there from; and it is further

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees of the Village of Penn Yan designates itself lead agency for SEQR purposes and that this action is determined to be an Unlisted Action for SEQR Purposes.

RESOLVED, that said property shall be forever maintained by the Village as a municipal park in the community consistent with the rule promulgated by OPRHP.

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

Mayor explained we are going for a \$75,000 grant, we have a commitment from the Lyons Club for \$30,000 and \$5,000 from the Elks will also have in kind service. We are looking at improving the Red Jacket Playground that was installed around 1988 and the Lake Street Playground.

Trustee Reeve explained Friends of the Outlet had a Public Meeting for the TAP Grant. They presented the current designs proposals for the two pedestrian bridges. Also looking at each side of Main Street bridge on the outlet small informational boards giving history and facts of the rail road along with other facts.

Atty. Brockman reviewed in full the SEQRA for Red Jacket/Lake Street Playground Improvements.

MOTION by Trustee Reeve, seconded by Trustee McLoud to authorize the Mayor to sign the SEQRA for Red Jacket/ Lake Street Playground.

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

Trustee Condella discussed the issue of parking at Red Jacket Pavilion; he has spoken with Mr. Kennedy regarding the spaces needed when the Pavilion is in use. At present we are not getting any cooperation. We are trying to decide whether to place signs up asking not to park before taking other action. Atty. Brockman

reminded the Board if signs do go up they cannot be enforced due to the fact not in the Local Law. Trustee Allison mentioned we are looking for more cooperation before changing the Local Law. After a brief discussion it was decided against placing signs up and Trustees Condella and Allison will go and talk with Mr. Kennedy one more time in hopes to get some cooperation before moving forward in changing the Local Law for parking at the Park.

PLANNING & DEVELOPMENT:

PLANNING BOARD:

Trustee Reeve mentioned making progress on the TAP Grant Bill Jensen and Brent getting everything together. Brent stated we do have some expense to submit and just received approval to start submitting towards the grant.

COMMENTS

EXECUTIVE SESSION:

At 7:13PM, **MOTION** by Trustee Allison, seconded by Trustee Condella to enter into Executive Session. Mayor MacKerchar invited Brent Bodine and Bill Jensen to attend Executive Session.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:14PM, **MOTION** by Trustee Allison, seconded by Trustee Reeve to leave Executive Session and return to regular Village Meeting.

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

ADJOURNMENT:

At 8:15 PM, **MOTION** by Trustee Allison, seconded by Trustee Stewart to adjourn the regular Village Board meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: