

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, July 21, 2015 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor L. MacKerchar; Trustees C. Benedict; C. Christensen; B. Church; D. Reeve; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Director of Public Works B. Bodine; Police Chief M. Hulse; CEO B. Lyon; Fire Chief M. Clancy; Municipal Chairman R. French

ABSENT: Trustee Allison; Assistant Director of Public Works B. Jensen;

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

PUBLIC: Ryan Colvin, Elizabeth (Brett) Colvin, Mark Morris and Ralph Senese

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Carolyn Benedict, seconded by Trustee Christensen to authorize to have an Executive Session to discuss an employee issue.

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

MINUTES:

MOTION by Trustee Church, seconded by Trustee Stewart to approve the Village Board Minutes from June 16th, 2015.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

MVP's Sports Bar and Grill has recently acquired Wise Guys and moving that to the side room of MVP. He is asking permission to place two tables outside of Wise Guy's establishment. (see attached letter and map)

MOTION by Trustee Christensen, seconded by Trustee Church to authorize MVP's Sports Bar & Grill/ Wise Guys for outdoor seating. No alcohol will be allowed outside.

Discussion: Question was asked if this has gone through the Historic Committee. It was discussed but nothing was finalized, after a brief conversation it was decided to amend the Motion to include pending the approval from the Historic Committee.

MOTION by Trustee Christensen, seconded by Trustee Church to amend the previous motion to authorize MVP's Sports Bar & Grill/ Wise Guys for outdoor seating if Historic Committee approves his request. No alcohol will be allowed outside.

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

MAYOR:

ATTORNEY:

Local Law C 2015 – creating Chapter 199 “Waterfront Pathway”

Atty. Brockman reviewed in full the SEQRA for Establishment of Waterfront Pathway and applicable regulations.

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize the Mayor to sign the SEQRA – (Short Environmental Assessment Form) Part 1 for Establishment of Waterfront Pathway and applicable regulations.

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

Atty. Review in full Part 2 for the Waterfront

MOTION by Trustee Reeve, seconded by Trustee Christensen to authorize Part 2 the Negative Declaration and authorize the Mayor sign.

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

MOTION by Trustee Church, seconded by Trustee Reeve to authorize Resolution No 54-2015, Regarding Setting a Public Hearing for the Modified Proposed Local Law Establishing and Adopting Regulations for the Waterfront Pathway. Public Hearing is set for Tuesday August 18, 2015 at 6:00 PM.

WHEREAS, a modified proposed Local Law has been prepared and circulated to the Board of Trustees; and

WHEREAS, a short Environmental Assessment Form (SEAF) has been reviewed with respect hereto.

Now Therefore, be it Resolved that:

1. The SEAF reviewed and prepared with respect hereto is adopted.

2. That a public hearing on the modified proposed Local Law is hereby scheduled for August 18, 2015 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

Local Law G 2015 – Amending the Water Chapter of the code

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize Resolution No 58-2015 Regarding setting a Public Hearing for Local Law Amending the “Water” Chapter of the Code of the Village of Penn Yan with Respect to Billing Procedure. Public Hearing is set for Tuesday August 18, 2015 at 6:05 PM.

WHEREAS, a proposed Local Law has been prepared and circulated to the Board of Trustees with respect hereto; and

WHEREAS, the Board of Trustees previously designated itself as “Lead Agency” and determined this to be a “Type II” Action.

Now Therefore, be it

RESOLVED, that a public hearing on this proposed Local Law is hereby scheduled for August 18, 2015 at 6:05 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.

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

Local Law H 2015 – Amending Sewer Chapter Code

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize Resolution No 59-2015 Regarding setting a Public Hearing for a Local Law Amending the “Sewer” Chapter of the Code of the Village of Penn Yan Respect to Billing Procedure. Public Hearing is set for Tuesday August 18, 2015 at 6:10 PM.

WHEREAS, a proposed Local Law has been prepared and circulated to the Board of Trustees with respect hereto; and

WHEREAS, the Board of Trustees previously designated itself as Lead Agency and determined this to be a “Type II” Action.

Now Therefore, be it

RESOLVED, that a public hearing on this proposed Local Law is hereby scheduled for August 18, 2015 at 6:10 p.m. in the Village Offices and that due notice thereof be made by the Village Attorney.

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

Local Law E – 2015 Amending Street Openings

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 61-2015 Regarding setting a Public Hearing with respect to a Local Law to amend the “Street Openings” Article of the “Streets and Sidewalks” Chapter of the Code of the Village of Penn Yan. Public Hearing set for Tuesday August 18th, 2015 at 6:15 PM.

WHEREAS, a Local Law to amend the “Street Openings” Article of the “Streets and Sidewalks” Chapter of the Village Code has been prepared and circulated to the Board of Trustees; and

WHEREAS, the Board of Trustees of the Village of Penn Yan previously dealt with SEQRA issues by deeming this to be a Type II action.

Now Therefore, be it Resolved:

1. That a public hearing on the proposed Local Law is hereby scheduled for August 18, 2015 at 6:15 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize the Mayor signs the Shoreline Improvement Agreement.

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

COMMUNITY REVITALIZATION:

No updates

MUNICIPAL:

MOTION by Trustee Church, seconded by Trustee Christensen to declare Truck 6 (Electric) as surplus and sell at fair market value.

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize to purchase the M1 Breaker for the Welker Substation from Horizon for \$26,354.00.

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

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize the Mayor signs the agreement with Irby for the blanket purchase order for the pole line hardware.

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

MOTION by Trustee Church, seconded by Trustee Benedict to authorize to go out for bid for maintenance of the LTC (Load Tap Changer) of T1 and T2 at Welker Substation.

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

MOTION by Trustee Christensen, seconded by Trustee Stewart to hire Elliott Engineer for the Seneca Street Water Main CDBG Project.

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

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize the change order in the amount of \$6,401.57 for D'Amico Plumbing and Heating (WWTP project).

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

MOTION by Trustee Christensen, seconded by Trustee Benedict to approve Utility Payment Agreements in the amount of \$17,177.68.

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

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		35,725.50
Electric		144,361.73
Sewer		9,335.18
Water		9,203.34
Capital Projects		
Total Paid Before Audit		\$ 198,625.75
Current Audit:		
General	\$	138,394.95
Community Development - CRC		17,831.77
Electric		219,612.22
Sewer		99,451.61
Water		336,217.91
Capital Projects		16,756.87
Total Current Audit Items		\$ 828,265.33
TOTAL AUDIT		\$ 1,026,891.08

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

MOTION by Trustee Church, seconded by Trustee Christensen to authorize Resolution No 60-2015 Budget Amendment for 2015-2016 Budget

To spend from the Employee Benefits Liability Reserve for NYS Retirement 22,399.27

Increase

Budget A-3120-1-120 Employee Benefits - State Retirement (Village) 22,399.27

Year 2 payout associated with recent police retirement was omitted from the budget in error. This budget amendment authorizes using funds from the employee benefits liability reserve to fund this expense, reducing the reserve balance from \$62K to \$40K.

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

PERSONNEL:

MOTION by Trustee Benedict, seconded by Trustee Reeve to authorize the creation of a temporary meter reader position for a term of three months, starting August 1, 2015.

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

MOTION Trustee Benedict, seconded by Trustee Reeve to authorize to advertise for the temporary meter reader position.

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

MOTION by Trustee Benedict, seconded by Trustee Reeve to authorize Resolution No 62 – 2015 the Standard Work Day and Reporting Resolution for Elected and Appointed Officials.

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

MOTION by Trustee Benedict, seconded by Trustee Reeve to authorize Tim Marcellus a full time permanent appointment as a HEO in the Street Department effective July 22, 2015. Same rate of pay.

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

MOTION by Trustee Benedict, seconded by Trustee Reeve to authorize the listing of 2015 seasonal employees.

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

Trustee Benedict explained all Supervisors attended Staff Department meetings and the following values were discussed at their following up meeting. The supervisors came up with a list of values that they feel employees should go by. This will be included in the revised handbook.

<u>VALUE</u>	<u>IDEAS</u>	<u>DEFINITION</u>
Safety		Always take time to prepare and plan your work to protect you, your fellow employees and the Public from harm
Respect		Treat others the way you would like to be treated
Integrity	Credibility Trust Accountability Honesty	Always do the right thing, remembering that you are always accountable for your actions
Team Work	Dependability Efficiency Empathy Focus	Take responsibility to be dependable and efficient member of the group, working together for a common goal and looking out for each other.
Pride	Positive Attitude Initiative Excellence Continuous Improvement	Always seek to improve and look for the good in what we do.

Mayor MacKerchar thanked all who attended the meeting and came up with the values. Trustee Benedict mentioned they are looking at creating a generic poster for Departments to display. Might have a contest for the High school to come up with one.

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for May & June

MOTION by Trustee Christensen, seconded by Trustee Stewart to authorize Investigator Dunham attends Taser recertification training in Rochester on September 25th, 2015 from 8:00 AM to 5:00 PM. Cost for training is \$200.00.

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

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize Officer McKnight attends Commercial Vehicle Awareness training at the Ontario County training facility on August 5 – 7, 2015. No cost for training.

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

MOTION by Trustee Christensen, seconded by Trustee Church to authorize Sgt. Hamm and Officer Zebrowski to attend the interview and interrogation training held in Chemung County September 22 & 23, 2015. No cost for training.

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

MOTION by Trustee Christensen, seconded by Trustee Church to declare the following Seized/Impounded Vehicles as surplus:

- 2000 Oldsmobile Bravada SUV – impounded December 2011
- 1998 Ford F-150 Pickup – impounded December 2011
- 1991 Isuzu Rodeo SUV - seized March 2013
- 1997 Ford Mustang Car – impounded January 2013
- 2000 Mercury Mountaineer SUV – impounded November 2013

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

FIRE DEPARTMENT:

Trustee Christensen explained the Fire Department has new reports which are from the new software program they purchased.

MOTION by Trustee Christensen, seconded by Trustee Church to remove Bryan Housel from the “Active Roll” effective 7/6/2015.

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

MOTION by Trustee Christensen, seconded by Trustee Benedict to approve Greg Doan to the Sheldon Hose, Co. and Mark Hopkins to the Hunter Hook and Ladder Co. effective

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

Trustee Christensen mentioned she did an audit for the first three months with the Fire Chiefs. All looked and went well. She will be doing the audit for the last three months this coming Friday with the Fire Chiefs. Chief Clancy is happy with the new software.

CODE ENFORCEMENT:

MOTION by Trustee Christensen, seconded by Trustee Reeve to authorize Bruce Lyon Code Enforcement to hire someone to mow Village resident’s lawns, if they have not been mowed within the appropriate time limit. The cost of mowing plus 10% will be placed on the Village taxes the following year if they are not paid.

235 East Elm Street 215 Clinton Street

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

PUBLIC WORKS:

MOTION by Trustee Church, seconded by Trustee Reeve to authorize the Mayor signs the 6 month Lease Agreement for the Cemetery House for Roy & Kevin Mortensen for \$575.00 per month. (Will now be reviewing this yearly at the Organization meeting in April).

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

MOTION by Trustee Church, seconded by Trustee Reeve to declare APC CS 500 UPS surplus and recycle.

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

PARKS & RECREATION:

Trustee Stewart gave an update on Boat Launch and Invasive Species. It has been going well with the volunteers and No have not heard of any complaints. Trustee Stewart mentioned the New York State Invasive Species regulations have been approved and will go into effective September 25, 2015.

Trustee Stewart mentioned Dan Doyle is working on a Facebook book page for viewing only. Would show different events the village is having and information for the playgrounds.

PLANNING & DEVELOPMENT:

Trustee Reeve explained a few things that are in the works. Molly Gaudioso one of the representatives at last meeting gave an update on the surveys from the village and college. Historic Committee is working on the property owners list so they can do a bulk mailing for the Historic property owners. Trustees Benedict, Stewart and Reeve have started to review the current regulations and latest models regulation for Historic and reviewing any issues that have come up within the last year.

PLANNING BOARD:

Trustee Reeve we are still working on Basin Street update, waiting for drawings for choices on the wall. Working on the grant for the TAP for the Outlet and pedestrian bridge

COMMENTS

Village Board meeting for Tuesday July 21, 2015

No comments

EXECUTIVE SESSION:

At 6:55PM, **MOTION** by Trustee Christensen, seconded by Trustee Benedict to enter into Executive Session.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:15 PM, **MOTION** by Trustee Reeve, seconded by Trustee Benedict to leave Executive Session and return to regular Village Meeting.

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

ADJOURNMENT:

At 7:16 PM, **MOTION** by Trustee Reeve, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: