

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, August 16, 2016 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Deputy Mayor W. Allison; Trustees C. Benedict; D. Condella; K. McLoud; D. Reeve; R. Stewart; Attorney Ed Brockman; Assistant Director of Public Works B. Jensen; Police Chief M. Hulse; CEO B. Lyon

**ABSENT:** Mayor MacKerchar; Clerk/Treasurer G. Meeks; Director of Public Works B. Bodine; Fire Chief M. Clancy

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

**PUBLIC:**

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

Deputy Mayor Allison mentioned this past week one of the Village’s former Mayor, Trustee and the Vice Chair for Municipal Board and a member of the Penn Yan Fire Department Bruce LeClaire passed away. Deputy Mayor stated Bruce was a dedicated person, family man and a great mentor. He had so much knowledge and he will be sadly missed and hard to replace. Deputy Mayor Allison asked for a moment of silence for Bruce.

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize to have an Executive Session for legal counsel.

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

**MINUTES:**

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to approve the Village Board Minutes from July 19<sup>th</sup>, 2016.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Safe Harbors of the Finger Lakes hosting 5<sup>th</sup> annual Shine the Light on Domestic Violence walk, on Saturday October 1, 2016. Walk runs from 9:30 AM – 10:30 AM.

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

District Atty. Valerie Gardner thanked the Village Board that she could address the Board and audience to explain her experience for the upcoming Yates County Judge opening that Judge Falvey held for 28 years. She discussed her contributions that she has made and what she could bring to the position. She cares about this Community and will work hard.

**MAYOR:**

**ATTORNEY:**

Atty. Brockman reviewed in full the SEAF (Short Environmental Assessment Form) for Hicks Street and Waddell Avenue. (The two Streets and Storm water drainage system will be rebuilt)

**MOTION** by Trustee Benedict, seconded by Trustee Condella to adopt the SEAF and authorize the Deputy Mayor to sign the form for Hick Street and Waddell Avenue.

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

**COMMUNITY REVITALIZATION:**

None

**MUNICIPAL:**

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to authorize to go out for bid for the following utility poles:

- Six (6) 35' Class 5, Southern Yellow Pine Poles;
- Eight (8) 50' Class 3, Southern Yellow Pine Poles
- Twenty (20) 45' Class 4, Southern Yellow Pine Poles;
- Adjustments will be made with 45' Class 4, Southern Yellow Pine Poles as necessary to make a full load.

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

**MOTION** by Trustee McLoud, seconded by Trustee Condella to declare 39 instrument transformer surplus and scrap them.

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

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to grant sewer forgiveness to Earl & Doris Warne, 2403 Route 364 in the amount of \$13.91.

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

**MOTION** by Trustee Benedict, seconded by Trustee Stewart to approve Utility Payment Agreements in the amount of \$9,638.04

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

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to issue a Notice of Award to Blue Heron Construction in the amount of \$283,595 for the Seneca Street Water Main Replacement, Phase 2 CDBG grant project.

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

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

	<b>Amount:</b>
<b>Paid Before Audit:</b>	
General	26,749.59
Electric	176,199.56
Sewer	10,026.97
Water	9,502.07
Capital Projects	
<b>Total Paid Before Audit</b>	<b>\$ 222,478.19</b>
<b>Current Audit:</b>	
General	\$ 128,257.33
Community Development - CRC	-
Electric	62,979.75
Sewer	33,053.99
Water	19,250.14
Capital Projects	-
<b>Total Current Audit Items</b>	<b>\$ 243,541.21</b>
<b>TOTAL AUDIT</b>	<b>\$ 466,019.40</b>

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 84-2016 Budget Transfers of \$22,721.00 for Fiscal Year 2015-2016. (to allow for proper processing of open purchase orders in the final close of the financial system for fiscal year 2015-2016).

**TO:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Fund Totals</b>
A -3410-4-530	Fire-Fire Equipment	3,052	
A -5110-4-400	Street Maintenance-Engineering	31	
A -5110-4-415	Street Maintenance-Landscaping/Tree Removal	81	
A -7510-1-100	Historian-Personal Services	10	
A-8760-4-400	Emergency Disaster - Engineering	40	
ES-8130-4-400	Sewage Treatment-Engineering	913	
ES-8130-4-410	Sewage Treatment-Contractual Services	5,122	
EW-8320-4-410	Pumping & Purification-Contractual Services	7,512	
H-5110-2-230	Storm Sewer - Capital	4,258	
H-5110-4-410	Contractual Services - Capital	1,702	
		<u>22,721</u>	
			<b>General 3,214</b>
			<b>Electric -</b>
			<b>Sewer 6,035</b>
			<b>Water 7,512</b>
			<b>Capital 5,960</b>
			<u>- 22,721</u>

**FROM:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	
A -3410-4-412	Fire-Gas & Oil	1,434	
A -3410-4-414	Fire-Equipment Repairs	443	
A -3410-4-590	Fire-Haz-Mat	1,175	
A -5110-4-412	Street Maintenance-Gas/Diesel/Oil/Lube	112	
A -8020-1-100	Planning-Personal Services	10	
A-8760-4-410	Emergency Disaster - Contractual Services	40	
ES-8130-4-418	Sewage Treatment-Maint on Plant	6,035	
EW-8320-4-520	Pumping & Purification-Chlorine	3,512	
EW-8320-4-530	Pumping & Purification-Floride	4,000	
H-5110-2-210	Asphalt/Concrete - Capital	5,960	
		<u>22,721</u>	
			<b>General 3,214</b>
			<b>Electric -</b>
			<b>Sewer 6,035</b>
			<b>Water 7,512</b>
			<b>Capital 5,960</b>
			<u>- 22,721</u>

Budget transfers necessary to allow for proper processing of open purchase orders in the final close of the financial system for fiscal year 2015-16.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 85-2016 Budget Transfers of \$700.00 for Fiscal Year 2016-2017. (contingency account to pay for emergency tree removal of Norway Maple in Red Jacket park, recommendation of arborist who did inspection of all trees in the park.

**TO:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Fund Totals</b>
A -7140-4-415	Parks & Recreation-Landscaping/Tree Removal	700	
		<u>700</u>	
			<b>General 700</b>
			<b>Electric -</b>
			<b>Sewer -</b>
			<b>Water -</b>
			<u>- 700</u>

**FROM:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>
A -1990-4-400	CONTINGENCY	700
		<u>700</u>

<b>General</b>	<b>700</b>
<b>Electric</b>	-
<b>Sewer</b>	-
<b>Water</b>	-
	<b>700</b>
	<b>700</b>

Budget transfer from contingency account to pay for emergency tree removal of Norway maple in Red Jacket Park, based on the recommendation of arborist who did an inspection of all trees in the park.

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 86-2016 Budget Transfers of \$600.00 for 2016-2017.  
 (cover cost of court conference attended by two court clerks)

<b>TO:</b>			<b>Fund</b>
<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Totals</b>
A -1110-4-480	Village Justice-Prof Fees/Publications	600	
		<u>600</u>	
			<b>General 600</b>
			<b>Electric -</b>
			<b>Sewer -</b>
			<b>Water -</b>
			<u>-</u>
			<b>600</b>
			<u>600</u>

  

<b>FROM:</b>			
<b>Account Id</b>	<b>Description</b>	<b>Date</b>	
A -1325-4-480	Treasurer-Prof Fees/Publications	600	
		<u>600</u>	
			<b>General 600</b>
			<b>Electric -</b>
			<b>Sewer -</b>
			<b>Water -</b>
			<u>-</u>
			<b>600</b>
			<u>600</u>

Budget transfer to cover the cost of court conference attended by two court clerks. Transfer is being made from Treasurer's account which has surplus due to fewer people than budgeted attending the fall NYCOM training.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 87-2016 Budget Amendments of \$65,987.37 for 2016-2017. (cemetery entrance flood damage)

Increase Revenue Budget

A-3960-00	State Emergency Disaster Assistance	16,496.84
A-4960-01	Federal Emergency Disaster Assistance	<u>49,490.53</u>
Total Revenue		<b>65,987.37</b>

Increase Expense Budget

A-8760-1-100	Emergency Disaster - Personal Services	15,000.00	
A-8760-2-210	Emergency Disaster - Asphalt Concrete	1,500.00	
A-8760-2-220	Emergency Disaster - Stone and Gravel	5,185.00	
A-8760-2-260	Emergency Disaster - Storm Sewer Maintenance		19,288.00
A-8760-4-410	Emergency Disaster - Contractual Services	23,514.37	
A-8760-4-415	Emergency Disaster - Landscape/Tree Removal	<u>1,500.00</u>	
Total Expense		<b>65,987.37</b>	

Budget amendment to increase revenue and expense by equal amounts for FEMA project PW582 (cemetery entrance flood damage) which was approved for funding after completion of the budget.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 88-2016 Budget Transfers of \$2,499.61 for 2016-2017.  
 (move funds that were budgeted in the incorrect account).

<b>TO:</b>			<b>Date</b>	<b>Fund Totals</b>
<b>Account Id</b>	<b>Description</b>			
EW-9710-7-706	Bond Interest - 2015 Refunded 2002 Horizon Park	2,499.61		
		<u>2,499.61</u>		
			<b>General</b>	-
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	<u>2,499.61</u>
			-	<u>2,499.61</u>
<b>FROM:</b>			<b>Date</b>	
<b>Account Id</b>	<b>Description</b>			
EW-9710-7-702	Bond Interest-2002 Horizon Park	2,499.61		
		<u>2,499.61</u>		
			<b>General</b>	-
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	<u>2,499.61</u>
				<u>2,499.61</u>

Budget transfer to move funds that were budgeted in the incorrect account.

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 89-2016 Budget Transfer of \$1,000.00 for 2016-2017.  
 (to cover higher than budgeted cost for elevator inspection services at firehouse).

<b>TO:</b>			<b>Date</b>	<b>Fund Totals</b>
<b>Account Id</b>	<b>Description</b>			
A -1622-4-410	Firehouse-Contractual Services	1,000		
		<u>1,000</u>		
			<b>General</b>	1,000
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
			-	<u>1,000</u>
<b>FROM:</b>			<b>Date</b>	
<b>Account Id</b>	<b>Description</b>			
A -1622-4-430	Firehouse-Insurance	461		
A -1622-4-500	Firehouse-Supplies & Materials	539		
		<u>1,000</u>		
			<b>General</b>	1,000
			<b>Electric</b>	-
			<b>Sewer</b>	-
			<b>Water</b>	-
				<u>1,000</u>

Budget transfer to cover higher than budgeted cost for elevator inspection services at the firehouse, with excess budget transferred from insurance and supplies accounts.

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

**PERSONNEL:**

**MOTION** by Trustee Stewart, seconded by Trustee Benedict to promote William Wigsten to WTP Operator Group 6 Step 1 \$21.55 per hour, retroactive to his anniversary date July 6, 2016.

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

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to authorize paying Patricia Court an additional 1.00 per hour (\$12.00) for those hours performing Lifeguard supervisory duties.

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

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Trustee Benedict wanted to recognize and Thank the Police Department for their hard work over this past month with over 600 calls.

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize Officer Marsh to attend the Firearms Instructor Course in Hopewell, NY October 3 and 4<sup>th</sup>. Cost \$200.00.

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

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize Sgt. Hamm to attend the Search Warrant Training in Hopewell, NY on September 28 and 29<sup>th</sup>. No cost.

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

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize Officer Conover to attend the Basic Juvenile Course August 29<sup>th</sup> – September 2<sup>nd</sup> in Geneva, NY. Cost \$250.00 (membership \$50.00 plus training \$200.00).

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

**MOTION** by Trustee Condella, seconded by Trustee Benedict to declare PYPD 2013 Chevrolet Impala as surplus. Car will be replaced within the next month and currently has mechanical issues that has rendered inoperable.

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

**FIRE DEPARTMENT:**

Deputy Mayor Allison mentioned the total personnel hours to date were 8,132.

**CODE ENFORCEMENT:**

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize Bruce to attend meeting on Tuesday August 30, 2016 from 3:00PM – 5:00 PM in Pittsford for New Residential Codes, Cost \$10.00.

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

**PUBLIC WORKS:**

Trustee Stewart mentioned he was thankful for the Traffic Advisory and hopes the press will announce it to the public to help understand it. Deputy Mayor Allison mentioned they will be doing the same at Elm and Liberty Streets, thinking next month sometime. Trustee Reeve would like to be sure there is significant notice of the work they're going to do.

Atty. Brockman explained Sunset Drive is down by Indian Pines in the Town of Jerusalem. The Village owns on both sides of the Street. The question is, is this a Village Street or not. Atty. Brockman stated this will help to clarify this. This will go to Jerusalem and they will hopefully adopt it by a Resolution.

**MOTION** by Trustee McLoud, seconded by Trustee Reeve to authorize Brent Bodine and Don Rapalee to sign the Certificate and Affidavit for Sunset Drive – Town of Jerusalem.

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

Trustee McLoud reminded everyone after Labor Day they will be starting the work on Elm Street (Sucker Brook) this will take approximately one month. DOT will be placing signs up for the detour for truck traffic.

Bill Jensen stated they will be starting milling on 364 soon.

Trustee Reeve stated he has had residents reach out to him about the change of the speed limit of 55 mph on East Lake Road. He feels the Village needs to do work jointly with Milo and the County. Atty. Brockman explained you have no control but can let the DOT know your concerns. You can have some input with the DOT through the Board, your State Representatives and citizens. Mark Morris stated he voiced his concerns to the County Public Safety committee regarding the speed limit situation by Morgan Marine. They do not have any interest, feel the DOT did a survey and it stands. Mark is willing to work with Trustee Reeve to speak with residents in that neighborhood.

**PARKS & RECREATION:**

**MOTION** by Trustee Condella, seconded by Trustee Reeve to authorize a partial refund of \$50.00 to Dawn Rossi for rental of the Indian Pines pavilion from July 17<sup>th</sup> due to the poor condition of the Pavilion.

Discussion: Trustee Stewart explained the picnic tables and Pavilion at Indian Pines were not cleaned and garbage not picked up. Not sure if it was from the previous renters or other park people. Dan Doyle did speak with the summer help to be sure to check both pavilions daily and clean area up. They have recently purchased a pressure washer to help with cleaning the areas up.

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

Trustee Condella explained the summer Playground program was a success again this year. He has had several calls and feedback the kids enjoyed themselves, good program and staff. They had approximately 60 kids this summer.

**PLANNING & DEVELOPMENT:**

Trustee Reeve we tried to have a work session to address the temporary signage issue, but unable to get people together - will table this for this month.

Trustee Reeve mentioned the Comprehensive Plan had a Steering Committee with the consultants meeting and very close to scheduling a public meeting. This will be for the 5-10 years.

**PLANNING BOARD:**

**COMMENTS**

Trustee Stewart mentioned they had a public meeting with SHPO yesterday - about revising the Historic Preservation Code and discussed about the enforcement. Will talk with Atty. Brockman about revising the code.

Deputy Clerk Treasurer Holly Pealer stated the auditors were here the last week of July. Everything went well – here about 4 ½ days. We will have the final close of the year next week. Looking at either Sept. or October to set up meeting to review with the Auditors.

**EXECUTIVE SESSION:**

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

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

At 7:45 PM Mayor MacKerchar arrived to the meeting.

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 8:24 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to leave Executive Session and return to regular Village Meeting.

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

**ADJOURNMENT:**

At 8:24 PM, **MOTION** by Trustee Condella, seconded by Trustee McLoud to adjourn the regular Village Board meeting.

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

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**