

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, September 20, 2016 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor 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; Police Chief M. Hulse; CEO B. Lyon ; Rom French Municipal Board Chairman; Dan Banach  
Municipal Commissioner

**ABSENT:** Assistant Director of Public Works B. Jensen; Fire Chief M. Clancy

News Media present: Gwen Chamberlain, Chronicle Express

**PUBLIC:** Bill Laffin, Mark Morris, Pete Townsend

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

**CALL FOR EXECUTIVE SESSION:**

No call for Executive Session

**MINUTES:**

**MOTION** by Trustee Allison, seconded by Trustee McLoud to approve the Village Board Minutes from August 16, 2016 and the Special Village Board meeting on September 7, 2016.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to authorize the Chamber of Commerce annual scarecrow event. They will be affixed them to the lamppost. Asking to have in place by October 7<sup>th</sup> and removed by November 5<sup>th</sup>.

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

Mayor MacKerchar mentioned the PY Public Library and Ktrain event "Set up Story Walk" for Saturday September 24 with a rain date of October 1<sup>st</sup>. Location will be on the Outlet Trail from Cherry Street to Fox Mill. Ages range from infant to 7 year old. Chief Hulse is aware and has no problem with the event. No vote needed.

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to authorize the annual Homecoming Parade for Saturday October 8, 2016. Starting at the Academy down Keuka Street to Chapel and up Liberty Street to the tennis court parking lot.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize the 5<sup>th</sup> annual St. Mike's Turkey Trot for November 24, 2016, same course as last year. Registration at 7:00am and race runs from 8:30am - 10:00am.

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

**MAYOR:**

**MOTION** by Trustee Allison, seconded by Trustee McLoud to authorize Resolution No 91-2016 Authorizing Application for Funds from the 2016 Justice Court Assistance Program.

RESOLVED, the Penn Yan Village Board hereby authorizes Village Justice Matthew Conlon to file an application for the office supplies/funding from the New York State Office of Court Administration 2016 Justice Court Assistant Program.

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

**ATTORNEY:**

**MOTION** by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 92-2016 Comprehensive Plan Amendment.

**WHEREAS**, a review and possible amendment to the “Comprehensive Plan” of the Village of Penn Yan appears appropriate; and

**WHEREAS**, the Planning Board of the Village of Penn Yan is the appropriate body to formulate a draft of amendment(s) to the “Comprehensive Plan” for referral to the Board of Trustees of the Village of Penn Yan for further action on same; and

**WHEREAS**, the Board of Trustees intends to address SEQRA issues related to any amendment of the Village “Comprehensive Plan”.

**NOW THEREFORE BE IT RESOLVED:**

1. That the Board of Trustees of the Village of Penn Yan hereby designates itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action.
2. That the Board of Trustees of the Village of Penn Yan determines that the proposed review and modification to the Comprehensive Plan of the Village of Penn Yan is a Type I Action under SEQRA.
3. That an FEAF will be reviewed with respect hereto.
4. The Planning Board of the Village of Penn Yan is requested to formulate any proposed amendment(s) to the “Comprehensive Plan” of the Village of Penn Yan and to formally refer such amendment(s) to the Board of Trustees pursuant to §7-722 of the Village Law of the State of New York.
5. That any previous work on proposed amendment(s) of the “Comprehensive Plan” performed by the Planning Board of the Village of Penn Yan prior to the date hereof is ratified and affirmed by the Board of Trustees through the adoption hereof.

Discussion: Atty. Brockman explained if the Board approves this Resolution the Planning Board needs to have a Public Hearing – then it will be referred back to Village. The Village Board will hold a Public Hearing along with reviewing a SEQR, next the Village will forward to County Planning Board.

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

**MOTION** by Trustee Reeve, seconded by Trustee McLoud to authorize Resolution No 94-2016 Regarding Permanent Easement and Temporary Access Easement For Construction Through Premises Owned by Raymond B. Spencer and Sandra C. Spencer For a Portion of the Outlet Trail From Water Street To the North Bank of Keuka Lake Outlet As Well As Installation of the Pedestrian Bridge.

**WHEREAS**, it has been determined by the Village Director of Public Works that a permanent easement is necessary for the use of Village, it’s agents and the public for a portion of the Outlet Trail from Water Street to the north bank of Keuka Lake Outlet and installation of a pedestrian bridge as well as a temporary access easement for construction; and

**WHEREAS**, the Spencer’s have agreed to provide such easement; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan intends to address SEQRA issues related to the easement.

**Now Therefore, Be It Resolved That:**

1. The Board of Trustees designates itself as “Lead Agency” for SEQRA review of this action, determines that this will be an “Unlisted Action” and therefore a Short Environmental Assessment Form (SEAF) will be prepared and reviewed.
2. The Mayor is authorized and directed to execute the necessary documents to effectuate the easement agreement upon approval thereof as to form and content by the Director of Public Works and the Village Attorney upon completion of the SEQRA review.

Discussion: Atty. Brockman explained the Resolution is good for the temporary and permanent easements and the starting point of negotiations with the Spencer’s. The easement is from Water Street down to the Keuka Lake Outlet. An abutment will be installed for the pedestrian bridge. We will have a temporary

construction easement 38' in width will go from Water Street to construction area that will expire December 31, 2018. This is the beginning for a permanent easement which will be 8 feet in width from Water Street (if approved by Spencer's) southeasterly to the northerly bank of Keuka Lake Outlet. The Village has been awarded grant money and we have a timeline that we need to follow we also have a SEQRA that we will be doing. Brent explained he has a letter of intent that he will be sending to the Spencer's which is a part of the process DOT requires. Atty. explained this does allow for changes and based on final approval by Brent, Atty. Brockman and the Mayor. Atty. Brockman mentioned there is no precedence the Spencer's are required to do this.

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

Atty. Brockman reviewed in full the SEAF (Short Environmental Assessment Form) for Outlet Trail Assessments from Water Street to Outlet. He stated if anyone has questions or concerns to speak up.

**MOTIONS** by Trustee Reeve, seconded by Trustee McLoud to approve the SEAF for the Outlet Trail Assessments from Water Street to the Outlet and have the Mayor sign it.

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

**COMMUNITY REVITALIZATION:**

Atty. Brockman explained Atty. Don Schneider is representing the Wright Brothers and their father. They purchased 13 Main Street several years ago. They have a mortgage with us under the façade program, looking to refinance and asking if agree to Subordination Agreement. Atty. Brockman stated he has not had time to review the agreement, asking if the motion could be amended with the subject to approval by the Village Atty.

**MOTION** by Trustee Allison, seconded by Trustee Benedict to authorize the Mortgage Subordination agreement regarding 13 Main Street subject with Atty. Brockman's approval.

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

**MUNICIPAL:**

**MOTION** by Trustee Allison, seconded by Trustee Benedict to authorize a Notice of Award to McFarland Cascade for the following wood poles:

- Six 35'
- Eight 50'
- Fourteen 45' for a total bid price of \$8,629.14

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

**MOTION** by Trustee Allison, seconded by Trustee Condella to authorize the electric crew to relocate the two poles and lights for Penn Yan Youth Lacrosse box at YCRR.

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

**MOTION** by Trustee Allison, seconded by Trustee McLoud to declare the Multi-Amp Tester, Model #TAB-183; S/N 66698-001/1 as surplus and to scrap it.

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

**MOTION** by Trustee Allison, seconded by Trustee Condella to authorize Resolution No 93-2016 to appoint Brent Bodine as the delegate for the Village of Penn Yan at the NYMPA Semi-Annual Meeting on October 25<sup>th</sup> in Syracuse.

WHEREAS, the Village Board of the City/Town/Village of Penn Yan, New York, is a municipal member of the of New York Municipal Power Agency, and

WHEREAS, in accordance with the bylaws of the New York Municipal Power Agency, 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.



**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for August

Trustee Allison mentioned the Chevy Impala (old car) has been listed on e-bay and sold - the new Ford Patrol car should be in service in a few weeks.

**MOTION** by Trustee Allison, seconded by Trustee McLoud to authorize Chief Hulse to attend NYS Intelligence Summit September 27 and 28<sup>th</sup> in Geneva. No fee for training.

**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 Chief Hulse to attend Finger Lakes Enforcement Academy annual Executive Training Seminar held in Varysburg, NY October 4<sup>th</sup> - 6<sup>th</sup>. Cost is \$300.00 includes Hotel.

**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 Officer DeHond to attend the Drug Recognition Expert Training and Certification. Registration is now open. Phase I of the training held in Ontario County February 6<sup>th</sup> – 17<sup>th</sup>, 2017. Phase II of the training will be held in Jacksonville, FL. in mid-March, 2017. Training, lodging and transportation will be covered by NYS Governor’s Traffic Safety Committee. The cost the Village would be responsible for is the cost to cover Officer DeHond’s shift while he is in training.

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

**FIRE DEPARTMENT:**

Chief’s Report for August

**MOTION** by Trustee Allison, seconded by Trustee Benedict to remove Eric Marelli from the active roll effective August 27, 2016

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

Trustee Allison stated the LOSAP audit has been completed thru June 30<sup>th</sup> by Trustee Benedict and Fire Chiefs.

**MOTION** by Trustee Allison, seconded by Trustee McLoud to declare the PY Fire Department Chiefs 2007 Ford Expedition as surplus and sell on e-bay after the new vehicle is put in service.

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

**CODE ENFORCEMENT:**

Trustee Allison mentioned ICC (International Code Conference) - Village has (2) delegates. Bruce Lyon will be one and looking for one from the Fire Department. Trustee Allison asked if they have one from the Fire Department yet, Bruce replied has no one yet.

**MOTION** by Trustee Allison, seconded by Trustee McLoud 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.

112 Clinton Street and 542 Liberty 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 Allison to authorize a rate of \$6.00 per square foot for the 2017 sidewalk improvement program. No rate change from last year.

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

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to authorize sending 3 people to the NYS Highway & Public Works Expo on October 19<sup>th</sup> in Syracuse at no charge.

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

**PARKS & RECREATION:**

No report

**PLANNING & DEVELOPMENT:**

Trustee Reeve explained the Committee reviewed the signage code per the Mayors request. The committee considered the complaints by a couple local contractors of placing signs in the village right away between the curb and sidewalk after the work is complete. The committee weighed the difference between the purpose of the sign regulations – which is to protect the attraction and the values of the community at the same time we also want to be business friendly. After reviewing and discussing several options including placing dates on signs, Code Officer time to patrol the signs and how to manage the difference between contractor signs and other household services. The Committee agreed the burden on enforcement is too great and to leave the law as is. The Signs can be placed in the yard while the project is being done and needs to be removed when job is completed.

**PLANNING BOARD:**

Trustee Reeve mentioned there was a special Planning Board meeting Monday night (Sept. 19<sup>th</sup>) to vote to have a Public Hearing on October 12, 2016 at 7:00pm in the middle school regarding the presentation of the Comprehensive Plan for the Village of Penn Yan.

Trustee Stewart mentioned the Historic Committee is looking at the model law from Albany. The Committee will be reviewing our Historic code.

**COMMENTS**

Dan Banach mentioned he walks the Outlet Trail quite often, he has noticed about 65% of people are not from the area which is a great thing. Did have a lady stop him asking where she could leave her bag of dog droppings. Dan explained this is carry in carry out. She was not happy and placed the bag right in the middle on the walk way. Dan wondering can a few more signs explaining this is a carry in carry out trail be posted. Trustee Reeve explained this is already on the Parks agenda for Parks & the Outlet Trail.

Pete Townsend questioned the house which he owns at 210 Clinton Street. He’s already spoken with the Historical Committee and hasn’t gotten anywhere. He would like to tear the structure down. Mayor questioned if he had been contacted by Historical and Mr. Townsend had not. Mayor explained this is in the Historical district; we need documentation on the cost of rehab. Need to show it’s not a reasonable investment to rehab the house. The Historical Committee also looking at what the cost would be to keep it from deterring more. Mayor mentioned you will be getting a letter that the Historical Committee will need the documentation on the cost, asking to have the cost of rehab broken down. If the Historical Committee denies you, you can appeal that decision to the Village Board for review. They can override the Historical decision.

**ADJOURNMENT:**

At 6:47 PM, **MOTION** by Trustee Allison, seconded by Trustee Benedict 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:**