

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, October 15, 2013 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

**PRESENT** Mayor R. Church; Trustees W. Allison; C. Christensen; M. Christensen; D. Reeve; R. Stewart; B. Winslow; 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; Municipal Board Chairman R. French; Municipal Board member L. MacKerchar

**ABSENT:** Fire Chief J. Housel

News Media present: Jon Christensen, Chronicle -Express

**PUBLIC:** None

Mayor Church called the Village Board meeting to order at 6:00 PM.

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee M. Christensen, seconded by Trustee Winslow to authorize to have an Executive Session for legal counsel.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Mayor Church, seconded by Trustee M. Christensen to authorize to have an Executive Session at the end of the meeting for a possible contractual issue.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

At 6:01PM **MOTION** by M. Christensen, seconded by Trustee C. Christensen to move into Executive Session for legal Counsel and Mayor invited Atty. K. McClung to attend.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

At 6:12PM Mayor Church asked Director of Public Works Brent Bodine to attend the Executive Session meeting.

At 6:26PM **MOTION** by Trustee Allison, seconded by Trustee M. Christensen to leave Executive Session and return to the regular Village Board meeting.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Winslow, seconded by Trustee Allison WHEREAS, the Board of Trustees has been fully briefed on allegations regarding Matthew Yonts' conduct as Chief Water Treatment Plant operator and the results of the investigation into those allegations; **RESOLVED**, based on the recommendation of Brent Bodine and the conclusions of the investigation by Bond, Schoeneck & King, the Board of Trustees votes to terminate Matthew Yonts for cause effective immediately.

Mayor Church called for a roll call vote:

Trustee Stewart	Aye	Trustee C. Christensen	Aye	
Trustee Winslow	Aye	Trustee M. Christensen	Aye	
Trustee Allison	Aye	Trustee Reeve	Aye	
Mayor Church	Aye			Carried

**MINUTES:**

**MOTION** by Trustee Allison, seconded by Trustee Stewart to approve the Village Board Minutes from September 17, 2013 and Special Village Board meeting on October 10, 2013.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**GUESTS, PUBLIC REQUEST & COMMENTS:**

No comments

**MAYOR:**

**MOTION** by Trustee C. Christensen, seconded by Trustee Allison to authorize Resolution No 71 - 2013 Unpaid Village Taxes sent to Yates County Treasurer.

IT IS HEREBY RESOLVED, that the Village of Penn Yan shall have unpaid 2013-2014 Village Taxes collected by the County of Yates in accordance with the Real Property Tax law, Section 1442, and pursuant to Local law No. 1, of the County of Yates, for the Year 1978, and be it further.

RESOLVED, that the Village Clerk file a certified copy of this resolution with the Clerk of the Yates County Legislature and the Yates County Treasurer no later than November 15, 2013, and transmit to them the unpaid tax information as required by law.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Reeve, seconded by Trustee C. Christensen to approve Resolution No 72 - 2013 Polling Places & Hours for the Village Election on March 18, 2014

**BE IT RESOLVED**, pursuant to Section 15-104(3)(b) of the Election Law, that the polling place for the Village Election to be held on March 18, 2014 downstairs of the Village Hall, 111 Elm Street, Penn Yan, New York, and

**BE IT FURTHER RESOLVED**, that the polls shall be open for said election on Tuesday, March 18, 2014 between the hours of 12:00 noon and 9:00 o'clock P.M.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee M. Christensen to authorize the Mayor to sign the Proclamation for Academic Excellence Day for November 19, 2013.

**Academic Excellence Day  
Whereas,**

The community of Penn Yan and the Penn Yan schools benefit from academic Excellence, and

**Whereas,**

The Penn Yan Village Board of trustees is proud of the academic excellence in our School, and

**Whereas,**

The Board and the citizens of the Village do wish to recognize the students and the Teachers of our local schools,

**Now, therefore be it resolved,**

That, I, Robert J. Church

Mayor of the Village of Penn Yan

Do hereby designate

Tuesday, November 19, 2013 as

**"Academic Excellence Day"**

In the Village of Penn Yan.

Dated and signed by the Mayor of the Village of Penn Yan on

this 15<sup>th</sup> day of October, 2013

Mayor Church read aloud the Proclamation and asked for another Board member to attend the ceremony for him since he has another commitment. Trustee Stewart volunteer to attend in the Mayor's absence.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**ATTORNEY:**

**MOTION** by Trustee Reeve, seconded by Trustee Allison to authorize Resolution No 77-2013 Declaring Certain Premises Owned by the Village of Penn Yan to be Surplus Real Property and Directing Transfer Thereof

**WHEREAS**, the Village of Penn Yan owns certain real property in the Village of Penn Yan which is located between Main Street and Liberty Street, south of Water Street in the Village of Penn Yan near the Keuka Lake Outlet, conveyed to the Village of Penn Yan by Deed recorded in the Yates County Clerk's Office in Liber 295 of Deeds at

page 69, part of tax map no. 49.75-1-60; and

**WHEREAS**, a portion of such real property consisting of approximately 877 square feet is not presently dedicated to any use by the Village of Penn Yan, and Brent Bodine, the Village Director of Public Works, has certified that such property will not be required for any other governmental purpose by the Village of Penn Yan.

**WHEREAS**, an appraisal of said premises has been obtained, indicating the value of said premises to be \$2,000.00, the cost of said appraisal being \$500.00; and

**WHEREAS**, the minimum value received by the Village for said premises should be the total of the appraised value and the cost of the appraisal.

**NOW THEREFORE BE IT RESOLVED THAT**

1. Said premises owned by the Village of Penn are hereby declared to be surplus real property, not required for use by the Village of Penn Yan for governmental purposes and such property may accordingly otherwise be transferred at the direction of the Board of Trustees of the Village of Penn Yan.

2. The Mayor is authorized to transfer ownership of said parcel for a value not less than \$2,500.00, upon such terms as are deemed appropriate by the Mayor, all costs of the sale and transfer of title to be the responsibility of the transfer of said property.

Discussion: Atty. Brockman stated this property will be placed on the tax roll. Trustee Reeve questioned if a release is needed from the County. Atty. Brockman will look into and if so will get one.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Reeve, seconded by Trustee Stewart to authorize Resolution No 78-2013 Directing Sale of Surplus Property North of East Elm Street

**WHEREAS**, certain premises owned by the Village located North of East Elm Street was previously certified to be surplus property by Department of Public Works Director Bodine and such premises were subsequently declared to be surplus by Resolution duly adopted by the Board of Trustees of the Village of Penn Yan on August 20, 2013; and

**WHEREAS**, an appraisal of said premises has been obtained, indicating the value of said premises to be \$3,100.00, the cost of said appraisal being \$500.00; and

**WHEREAS**, an instrument survey of said premises has been obtained the cost of which was \$500.00; and

**WHEREAS**, the minimum sales price for said premises should be the total of the appraised value, the cost of appraisal and the cost the instrument survey.

**NOW THEREFORE BE IT RESOLVED THAT**

The Mayor shall offer said parcel for sale at auction upon ten (10) days' notice, for a price not less than \$4,100.00, on a date and at a time to be set by the Mayor, and upon standard terms including a cash sale, all costs of the sale and transfer of title to be the responsibility of the buyer of said property.

Discussion: Trustee Allison question if the auction will be held downstairs, Atty. Brockman responded yes and this property will be placed back on the tax roll.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Reeve, seconded by Trustee C. Christensen to authorize Resolution No 79-2013 Adoption of Local Law for creating an Overlay District in the Village Penn Yan

**WHEREAS**, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the proposed Local Law as a Type I action; and

**WHEREAS**, a Local Law was prepared and a public hearing duly held thereon; and

**WHEREAS**, a Full Environmental Assessment Form (FEAF) was previously prepared and adopted; and

**WHEREAS**, the Board of Trustees previously received a copy of the proposed Local Law in excess of ten (10) days prior to the consideration hereof; and

**WHEREAS**, the matter was previously referred to the Yates County Planning Board and was subsequently approved thereby.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law.

2. The Village Clerk is directed to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such local law together with such other acts that are customarily associated with the adoption and implementation of the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**COMMUNITY REVITALIZATION:**

No update

**MUNICIPAL:**

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the replacement of Car #1 with a 2014 Ford Inceptor through the State OGS system purchase price of \$26,193.18.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize the attendance of five (5) employees at the MEUA Fall Engineering Workshop being held November 6<sup>th</sup> and 7<sup>th</sup> in East Syracuse, NY at a cost of \$80 per person.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize going out for bids for wood poles (six 35' poles, twelve 40' poles, fifteen 45' poles and three 50' poles).

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Allison, seconded by Trustee Winslow to declare eight (8) old, unusable fire hydrants as surplus and sell them to the highest bidder.

Discussion: Mayor Church question Bill Jensen if they looked into prices of scrap metal instead of surplus. Trustee Allison question about selling them at the Produce Auction on 14A. Question was brought up of selling on e-bay; Chief Hulse feels they might stay away from e-bay because of shipping cost. Bill Jensen not aware of scrap metal prices will speak with Brent Bodine and will go the route for the higher price.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Allison, seconded by Trustee Winslow to approve Utility Payment Agreements in the amount of \$12,558.94

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		28,006.21
Electric		173,899.62
Sewer		8,799.66
Water		8,123.85
CRC		222.00
<b>Total Paid Before Audit</b>		<b>\$ 219,051.34</b>
<b>Current Audit:</b>		
General	\$	95,486.67
Community Development - CRC		-
Electric		103,874.72
Sewer		52,382.50
Water		37,438.78
Capital Projects		36,379.27
<b>Total Current Audit Items</b>		<b>\$ 325,561.94</b>
<b>TOTAL AUDIT</b>		<b>\$ 544,613.28</b>

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 74 -2013 for Budget Transfers for 2013-2014.

**TO:**

Account Id	Description	Date	Fund Totals
EW-8340-4-400	Transmission & Distr-Engineering	4,500	
		<u>4,500</u>	
			General -
			Electric -
			Sewer -
			Water <u>4,500</u>
			<u>4,500</u>

**FROM:**

Account Id	Description	Date	
EW-8340-4-414	Transmission & Distr-Maint on Mains	2,000	
EW-8340-4-500	Transmission & Distr-Supplies & Material	2,500	
		<u>4,500</u>	
			General -
			Electric -
			Sewer -
			Water <u>4,500</u>
			<u>4,500</u>

Budget transfer to accommodate the engineering cost of reapplying for grant to secure funds for replacement of watermain on Seneca Street.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 75 -2013 for Budget Transfers for 2013-2014.

**TO:**

Account Id	Description	Date	Fund Totals
A -9730-6-601	BAN Principal - Fire Truck	55,222	
		<u>55,222</u>	
			General <u>55,222</u>
			Electric -
			Sewer -
			Water -
			<u>55,222</u>

**FROM:**

Account Id	Description	Date
A -9785-6-600	Fire Truck Lease Principal	55,222

<u>55,222</u>	
	<b>General</b> <b>55,222</b>
	<b>Electric</b> -
	<b>Sewer</b> -
	<b>Water</b> -
	<u>55,222</u>

Budget transfer to move funds for BAN principal payments to correct account.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 76 -2013 for Budget Transfers for 2013-2014.

**TO:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Fund Totals</b>
A -3410-4-500	Fire-Supplies & Materials	<u>2,000</u>	
		<u>2,000</u>	
		<b>General</b>	<b>2,000</b>
		<b>Electric</b>	-
		<b>Sewer</b>	-
		<b>Water</b>	-
		-	<u>2,000</u>

**FROM:**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	
A -3410-4-480	Fire-Hose Testing	<u>2,000</u>	
		<u>2,000</u>	
		<b>General</b>	<b>2,000</b>
		<b>Electric</b>	-
		<b>Sewer</b>	-
		<b>Water</b>	-
			<u>2,000</u>

Budget transfer to accommodate higher spend for supplies and materials and anticipated lower spend for hose testing.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow authorizing DPW Director Bodine and Clerk-Treasurer Meeks to proceed with termination of Village Hall phone services with current vendor and to enter into new agreement with Time Warner Business Class.

DISCUSSION: Clerk/Treasurer mentioned this is a savings of \$975.00 per month.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow authorizing Mayor Church signs Resolution No 73-2013 updated inter-municipal agreement with the Town of Milo for the water and sewer billing services provided by the Village to the Town and instructing Deputy Clerk Martin to forward to the Town for signature by the Town Supervisor.

THIS AGREEMENT IS MADE THIS 15th day of October, 2013 by and between the Village of Penn Yan (hereinafter referred to as "Village") with offices at 111 Elm Street, Penn Yan, NY 14527 and the Town of Milo (hereinafter referred to as "Town") with offices at 137 Main Street, Penn Yan, NY 14527.

**WHEREAS**, the Village operates a municipal water department which produces and distributes potable water both in the Village and to municipal water districts outside the Village; and

**WHEREAS**, the Village further operates a municipal sewer department which provides sewer service to the Village and to municipal sewer districts outside the Village; and

**WHEREAS**, the Town has formed both municipal water and municipal sewer districts for various portions of its geographic territory; and

**WHEREAS**, the Village and the Town have previously entered into agreements whereby the Village supplies potable water to the Town's municipal water districts and provides sewer service to the Town's municipal sewer district; and

**WHEREAS**, the Village of Penn Yan is organized to provide billing for both water and sewer service; and

**WHEREAS**, the Town is in need of such billing services for its municipal water and sewer districts and wishes to contract with the Village to provide such billing service.

**NOW, THEREFORE, IT IS AGREED AS FOLLOWS:**

1. The Village will provide billing and receipt of payment services for the Town to the Town’s customers for water and sewer service within the Town’s municipal water and sewer districts.

2. The Town will provide meter readings for such billing and report such meter readings to the Village in an expeditious fashion to allow for billing in a timely manner. The Town will provide to the Village the names, addresses and billing rates in a manner agreed upon by both Village and the Town for each customer. The Town shall further be responsible for providing updates of the customer lists to the Village as such information changes.

3. The Town shall provide meter readings as required by the Village to bill Town water and sewer commercial customer’s monthly and residential customers quarterly.

4. The billings by the Village shall provide for payment to the Village and the Village agrees to collect and receive such funds.

5. The Village shall expeditiously remit collected funds to the Town at no greater than weekly intervals.

6. Any costs incurred by the Village as a result of a necessity to modify or enhance computer software for the sole benefit of the Town will be paid to the Village by the Town.

7. The Town shall pay to the Village an annual fee as and for the cost to the Village for performing the billing and payment receipt services. The Village will remit an invoice to the Town on or about May 15<sup>th</sup>, each year for such services. Such invoice shall include an itemization or explanation as to the computation of the amount invoiced to the Town. The parties acknowledge that the recent cost for the services has been approximately \$12,000.00 annually. Future fees shall be agreed upon from time to time by the Town and the Village to their mutual satisfaction.

8. This agreement shall have been effective as of and retroactive to June 1, 2013. This agreement will expire on May 31, 2018.

9. This agreement may be terminated by either the Village or the Town upon ninety (90) days written notice to the other party by delivery of such notice to the respective municipal clerk.

IN WITNESS WHEREOF, each party to this instrument has caused it to be executed at Penn Yan, New York on the date set forth herein.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow to approve the water and sewer customer reconciliations completed by Clerk-Treasurer Meeks and authorizing him to share this information with customers and incorporate billing adjustments into the next set of invoices provided to customers.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow approving the Corrective Action Plan (CAP) developed in response to the recommendations put forth in the July 2013 Village of Penn Yan Water Operations “Report of Examination” prepared by the Office of the State Comptroller (OSC) and instructing Clerk-Treasurer to submit the CAP to the OSC on or before October 24, 2013.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee C. Christensen, seconded by Trustee Winslow authorizing Mayor Church and Clerk-Treasurer Meeks to sign and provide to external auditors Bollam, Sheedy, Torani & Co. the client representation letter approving the draft financial statements prepared by them in their audit of the fiscal year ending May 31, 2013.

DISCUSSION: Mayor mentioned will be having an Exit interview sometime in November.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**PERSONNEL:**

No update

**PUBLIC SAFETY:**

No update

**POLICE DEPARTMENT:**

No update

**FIRE DEPARTMENT:**

Monthly Fire Department report (Sept. and October)

Year to Date Fire Department report

Trustee Reeve was asked about the fire hydrant next to the mill. Brent explained Ron Keech is repairing hydrants now – but will look at it with the Chief to see if we need it there. It seems they feel it’s important to have a hydrant near the mill. Trustee Allison stated we do have a new line going up East Main and there is adequate water supply.

**CODE ENFORCEMENT:**

**PUBLIC WORKS:**

**MOTION** by Trustee Allison, seconded by Trustee Reeve to authorize going out for bids for tree planting as part of Urban Forestry Grant (#T304811).

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Allison, seconded by Trustee Reeve to go out for bids for sidewalk snow and ice removal contract.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

Trustee Allison reminded all residents Fall Cleanup will begin October 28<sup>th</sup> and Leaf pickup to begin November 4<sup>th</sup>. Asking residents do not place leaves in bags and do not mix branches and leaves together, leave in separate piles.

**PARKS & RECREATION:**

No update

**PLANNING & DEVELOPMENT:**

**PLANNING BOARD:**

**COMMENTS**

**EXECUTIVE SESSION:**

At 6:47 PM, **MOTION** by Mayor Church, seconded by Trustee Allison to adjourn and move into Executive Session. Mayor Church invited Brent Bodine to attend meeting.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:56 PM, **MOTION** by Trustee Winslow, seconded by Trustee C. Christensen to leave Executive Session and return to regular Village Meeting.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Winslow, seconded by Trustee Reeve to authorize Resolution 80-2013 Authorization to Execute Contract #C1000248 with the NYS DOS.

WHEREAS, the NYS Department of State has offered a 50/50 matching grant to the Village of Penn Yan in the amount of \$980,000 for infrastructure improvements needed for the Waterfront Development Area; and

NOW, THEREFORE, BE IT RESOLVED, that the Village of Penn Yan accepts the offer made by the NYS Department of State and,

BE FURTHER RESOLVED, that the Village Board authorizes and directs the Mayor to execute the contract detailing said offer as well as any other documents required to ratify said contract.

**ADOPTED** Ayes 6 Church, Allison, C. Christensen, Reeve, Stewart and Winslow  
Nays M. Christensen Abstain 0 Absent 0

**MOTION** by Trustee Allison, seconded by Trustee Winslow to authorize Resolution No 81-2013 Waterfront Revitalization Investment.

WHEREAS, the Village of Penn Yan has applied for and received a 50/50 matching grant, and a zero interest loan, to invest in water and sewer infrastructure updates as part of the waterfront revitalization project; and

WHEREAS, it is the firm intent of the Village of Penn Yan to only make investments for which there is an economic benefit which will accrue to its taxpayers and rate payers,

**NOW, THEREFORE BE IT RESOLVED**, that the Village of Penn Yan will only proceed with these investments if they are made whole by Yates County with respect to any PILOT agreements offered to developers of proposed hotels and,

**BE IT FURTHER RESOLVED**, that the Village of Penn Yan will only proceed with these investments if Yates County changes local law which authorizes them to provide to the Village of Penn Yan on an annual basis, beginning in 2015 and continuing in perpetuity, all of the incremental occupancy tax revenue collected by them for properties in the Village, with fiscal year 2014 being the baseline year from which incremental amounts would be calculated.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Reeve, seconded by Trustee Stewart to sign the Access Agreement with NYSE&G.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

**ADJOURNMENT:**

At 8:12 PM, **MOTION** by Trustee Allison, seconded by Trustee M. Christensen to authorize to adjourn the regular Village Board meeting.

**ADOPTED** Ayes 7 Church, Allison, C. Christensen, M. Christensen, Reeve, Stewart and Winslow  
Nays 0 Abstain 0 Absent 0

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**