

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, November 18, 2014 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor L. MacKerchar – (arrived at 6:10PM); Trustees W. Allison; C. Christensen; B. Church; 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; Chief B. LaRock

ABSENT: Trustee C. Benedict; Police Chief M. Hulse; Fire Chief J. Housel

News Media present: None

PUBLIC:

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

CALL FOR EXECUTIVE SESSION:

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

ADOPTED Ayes 5 Deputy Allison, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Mayor MacKerchar, Benedict

MINUTES:

MOTION by Trustee Christensen, seconded by Trustee Church to approve the Village Board Minutes from October 21, 2014

ADOPTED Ayes 5 Deputy Allison, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Mayor MacKerchar, Benedict

GUESTS, PUBLIC REQUEST & COMMENTS:

MAYOR:

Mayor MacKerchar explained the State will cover the remaining 25% which FEMA covered 75% for the State Aide during May’s flooding. Trustee Reeve asked if there will be any obligations from us for the payment. Mayor stated no. Trustee Allison commended the Mayor and others for asking for this reimbursement.

Mayor explained this is Academic Excellence week and the school asked us to wear our school colors (orange and blue) this Friday.

ATTORNEY:

MOTION by Trustee Reeve, seconded by Trustee Stewart to designate the Village to be lead agency for the SEAF for Mace Street.

ADOPTED Ayes 5 Deputy Allison, Christensen, Church, Reeve, Stewart
Nays 0 Abstain Absent Mayor MacKerchar, Benedict

Atty. Brockman explained the SEAF is to show the extension of Mace Street, being extended to 712 feet in length. Atty. Brockman review in full the SEAF (Short Environmental Assessment Form) for the Extension of Mace Street for our local highway inventory to .13 miles long instead of .08 which was recorded earlier. Trustee Reeve questioned Part 1 # 8-C. It was decided this should be yes with the Outlet Trail so near.

MOTION by Trustee Reeve, seconded by Trustee Stewart to adopt the amended SEAF for the Extension of Mace Street.

Deputy Mayor called for a roll call vote

Trustee Stewart Aye
Trustee Allison Aye
Trustee Christensen Aye
Trustee Church Aye
Trustee Reeve Aye
Mayor MacKerchar Absent
Trustee Benedict Absent ADOPTED

At 6:10 PM Mayor MacKerchar arrived.

MOTION by Trustee Church, seconded by Trustee Christensen to authorize Resolution No 76-2014 Extension of Mace Street and authorize Mayor signs the SEAF form. (Roll call vote)

BE IT HEREBY RESOLVED by the Village of Penn Yan for the purpose of correcting and updating the Local Highway Listing provided to the Village of Penn Yan each year by the New York State Department of Transportation for verification of the Local Highway Inventory, we make the following corrections/changes:

ADDITIONS: The following additions are to extend Mace Street on the Inventory listing from NYSDOT: Mace Street from Lake Street to End for a total length of 0.13

Total Mileage Added: 0.05 Miles

CORRECTIONS:

Extension of Mace Street from Lake Street to End

Existing LHI Centerline Miles Total: 21.47 Corrected to 21.52

Existing LHI Lane Miles Total: 42.89 Miles Corrected to 42.99 Miles

NOW, THEREFORE, VILLAGE OF PENN YAN BOARD MEMBERS HEREBY RESOLVE AS FOLLOWS:

The following vote was taken and recorded in the public or open session of said meeting as to the changes/corrections to the Local Highway Inventory listing:

Mayor called for a roll call vote:

Trustee Stewart	Aye	
Trustee Allison	Aye	
Trustee Christensen	Aye	
Trustee Church	Aye	
Trustee Reeve	Aye	
Mayor MacKerchar	Aye	
Trustee Benedict	Absent	ADOPTED

MOTION by Trustee Allison, seconded by Trustee Stewart to authorize Mayor MacKerchar signs the agreement for payment of \$28,151.88 from Main Street American Group for the Owls Nest damage.

Discussion: Atty. Brockman explained in October we received a quote from Main Street America Assurance Co. liability carrier for TRT Masonry, they gave us a quote of \$26,488.70 that they pay towards the damages/cleanup cost for the Owls Nest. After reviewing figures we countered with \$28,151.88 and today received an e-mail that they accept that figure. The original cost was \$33,110.88, a difference of \$4,959.00.

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

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize Resolution No 80-2014 Declaring the Village as Lead Agency under the State Environmental Quality Review Act and Classifying Action.

WHEREAS, Yates County (the "County") is the fee owner of an approximately 14.7 acre parcel of real property on the east bank of the Keuka Lake Outlet, commonly referred to as the Penn Yan Marine Property (the "Property"); and

WHEREAS, portions of the Property have been determined to require remediation; and

WHEREAS, the Village of Penn Yan (the "Village") is desirous of improving water, sewer, utility and roadway infrastructure (the "Infrastructure Improvements") to serve property located between the east bank of the Keuka Lake Outlet and East Lake Road, including in the vicinity of Mace Street, Hick's Street, Waddell Avenue and Monell Street, which area would generally encompass the location of the Property; and

WHEREAS, the Village, in the course of its continuing administration and management activities, has determined to apply for financial assistance to facilitate installation of certain of the Infrastructure Improvements relating to water and sewer; and

WHEREAS, the Property has been accepted into the Brownfield Cleanup Program ("BCP") which is administered by the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, Keuka Outlet Development LLC ("Keuka") is desirous of taking title to the Property so it can implement the required remediation under the BCP, and when complete, construct a development

project on the Property consisting of residences and associated roads, utilities, a boat basin, and other ancillary features (the "Proposed Development"); and

WHEREAS, the County is desirous of having Keuka take title to the Property to implement the required remediation under the BCP, and considers the remediation and redevelopment of the Property to be of benefit to the County; and

WHEREAS, although the Infrastructure Improvements would not be constructed on the Property, they have the potential to facilitate the Proposed Development; and

WHEREAS, the Property lies within the boundaries of the Village and, as such, the Village considers that the remediation and redevelopment of the Property would be of benefit to Village; and

WHEREAS, the Village desires to comply with the provisions of the New York State Environmental Quality Review Act ("SEQRA") as set forth in Article 8 of the Environmental Conservation Law and the requirements of the SEQRA Regulations at 6 NYCRR Part 617 (the "Regulations") with respect to the Infrastructure Improvements and the Proposed Development (collectively, the "Project"); and

WHEREAS, pursuant to SEQRA and the Regulations, the Village has considered the Project in light of the actions included on the Type I list specified in Section 617.4 of the Regulations and in light of the actions included on the Type II list specified in Section 617.5 of the Regulations; and

WHEREAS, the Village has preliminarily determined that the Project should be considered a Type I action; and

WHEREAS, on September 18, 2014, the Village, exercising due diligence, caused letters describing the Project to be sent to each applicable "involved agency", as that term is defined in the Regulations, together with Part 1 of a Full Environmental Assessment Form for the Project; and

WHEREAS, the September 18, 2014 letters requested the consent of the involved agencies for the Village to serve as lead agency in accordance with SEQRA's coordinated review requirements; and

WHEREAS, none of the involved agencies expressed any objection to the Village serving as lead agency; and

WHEREAS, on September 18, 2014, the Village, exercising due diligence, caused letters describing the Project to be sent to "interested agencies", as that term is defined in the Regulations seeking their comments regarding the Project; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. The Village determines that it will serve as lead agency for a coordinated review under SEQRA; and
2. The Village determines that the Project meets the criteria for a Type I action under SEQRA; and
3. A copy of this resolution shall be given to the Village Attorney, Village Clerk, Yates County and Keuka Outlet Development LLC.

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

COMMUNITY REVITALIZATION:

Mayor mentioned we do have funds available but no new applications have been turned in.

MUNICIPAL:

Trustee Allison asked for a moment of silence for Stephen Hulse that passed away recently he is the father of two Village employees Jeff Hulse from the Water/Sewer Crew and Chief Mark Hulse from the Police Department.

MOTION by Trustee Allison, seconded by Trustee Stewart to authorize the bid from Bridgewell Resources for the following poles:
6 - 35' poles for \$194.00 each; 4 - 50' poles for \$446.00 each; 10 - 45' poles for \$340.00 each and 16 - 40' poles for \$298.00 each, for a total of \$11,116.00.

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

MOTION by Trustee Allison, seconded by Trustee Church to authorize to go out for Bid for Electric Material Blanket (which is an inclusive supply purchase for the year).

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

MOTION by Trustee Allison, seconded by Trustee Church to declare the old ornamental Village street lights as surplus

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

MOTION by Trustee Allison, seconded by Trustee Christensen to accept the Payment Agreements in the amount of \$ 12,653.17.

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

MOTION by Trustee Allison, seconded by Trustee Christensen to approve Utility Payment Agreements in the amount of \$12,653.17

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

Brent Bodine gave a brief update of the WWTP – they are around 98% done. Did have an issue with the primary digester cover that was leaking, it is now back into service. The project is on time and on budget.

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		258,370.90
Electric		200,575.64
Sewer		11,508.15
Water		10,897.60
CRC		5.95
Capital Projects		
Total Paid Before Audit		\$ 481,358.24
Current Audit:		
General	\$	618,104.49
Community Development - CRC		4,441.39
Electric		139,005.85
Sewer		309,706.07
Water		115,853.41
Capital Projects		10,300.00
Total Current Audit Items		\$ 1,197,411.21
TOTAL AUDIT		\$ 1,678,769.45

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

MOTION by Trustee Church, seconded by Trustee Christensen to authorize Resolution No 77-2014 Budget Transfers for 2014-2015.

<u>TO:</u>			Fund
Account Id	Description	Date	Totals
A -9010-8-800	Employee Benefits-State Retirement	588	
		<u>588</u>	
		General	588
		Electric	-
		Sewer	-
		Water	-
		-	<u>588</u>
<u>FROM:</u>			
Account Id	Description	Date	
A -9015-8-800	Employee Benefits-Police Retirement	588	
		<u>588</u>	
		General	588
		Electric	-
		Sewer	-
		Water	-
			<u>588</u>

MOTION by Trustee Christensen, seconded by Trustee Reeve to promote Dave Cohick to WTP Operator, pending outcome of Department of Health interview. To Grade 6 Step 1 effective 12/3/2014 \$20.73 per hour.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

MOTION by Trustee Christensen, seconded by Trustee Allison to authorize Sgt. Stewart attends training regarding Domestic Violence on November 13th from 1:00pm – 4:0pm in Bath, NY. No cost for the training.

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

MOTION by Trustee Christensen, seconded by Trustee Allison to authorize (2) two people to attend the Active Shooter/Response to Violence Training in Geneva. No cost for training. Training is offered twice – each person will attend a different date.

December 6th 11:00am – 5:00pm
December 13th 9:00am – 3:00pm.

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

Reviewed the Monthly activity for the Penn Yan Police Department.

FIRE DEPARTMENT:

Monthly Fire Department report

Year to Date Fire Department report

CODE ENFORCEMENT:

PUBLIC WORKS:

PARKS & RECREATION:

Trustee Stewart mentioned they are in a conversation with the Keuka Lake Association on how to help with the invasive species which are transported by boats to Lake water. Discussing different grants to help with informing us and the public on how to clean the boats for the invasive species. He stated it's really nice they are offering to help out.

Brent Bodine mentioned we were awarded the grant application under the Transportation Grant TAP to rebuild and replace the railroad trestle behind Birkett Landing and the pedestrian bridge behind Birkett Mills. We have only received the award letter so far. The TAP grant is 80%. Trustee Reeve thanked Bill Jensen and Yates County Chamber for their efforts in helping with letters of reference. Trustee Reeve stated beside the two bridges will have three addition improvements to access to the outlet trail.

PLANNING & DEVELOPMENT:

PLANNING BOARD:

Trustee Reeve explained the 20/20 Vision is working on an information package and will be finalized in a week or two. He is asking if this is possibility to be placed on the Village Web site as a PDF, for the public to review.

Trustee Reeve mentioned we have had two working sessions on the Sign regulations, the results will be reviewed by the Planning Board at the next meeting then present to the Village Board.

COMMENTS

Mayor MacKerchar mentioned the ZBA has two openings for alternates on their Board asking for assistance or recommendations for candidates and to forward and names to the Mayor.

Trustee Stewart commented about the Village Web Site, it's old and wonder if it could be update. Asked what Committee would be in charge of this. After a brief discussion Mayor MacKerchar asked the Planning Committee to look into this and Trustee Stewart is already on the this Committee.

Trustee Allison asked if there are any updates on the new Microtel Hotel. Bruce Lyon Code Enforcer mentioned they were going to try to pour the floor this week but will wait till next week when the weather is better. They are still on time with things. Brent brought up he would like to discuss the alley way before they pave it asked Bruce if he could have a copy of the plans at the meeting to review it.

EXECUTIVE SESSION:

At 6:52 PM, **MOTION** by Trustee Allison, seconded by Trustee Stewart to enter into Executive Session.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:23 PM, **MOTION** by Trustee Allison, seconded by Trustee Reeve to leave Executive Session and return to regular Village Meeting.

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

ADJOURNMENT:

At 7:24 PM, **MOTION** by Trustee Reeve, seconded by Trustee Christensen to adjourn the regular Village Board meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: