

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, November 20, 2018 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor MacKerchar; Trustees C. Benedict; D. Condella; T. Hoban; K. McLoud; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling; Police Chief T. Dunham; CEO B. Lyon; Fire Chief B. LaRock

ABSENT: Director of Public Works B. Bodine

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: Carlie Chilson, Cindy Kimball, Michelle Hyde, Chris Wright

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to have a closed session for Executive Session for legal counsel, Clerk/Treasurer G. Meeks to attend.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent

MINUTES:

MOTION by Trustee Stewart, seconded by Trustee Spencer to approve the Village Board Minutes for October 16, 2018 and Special Village Board meeting for October 18 and 26, 2018.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent

GUESTS, PUBLIC REQUEST & COMMENTS:

Chris Wright questioned if there is a process the Village will select potential projects and prioritize them. Mayor explained the Planning & Development Committee will have a special meeting with the Public Works Committee on Monday December 3 at 10:00 AM. Mayor stated the next DRI public meeting is at the Penn Yan Academy cafeteria on Tuesday November 27th at 5:30PM. Ideas will be presented at this meeting and listen to public comments. Mayor mentioned they have had a good turnout for the past few meetings. We will be holding a couple of stakeholder meetings shortly unsure of dates right now.

6:05 PM PUBLIC HEARING – Amending the “Noise” Chapter of the Village Code (Local Law H)

At 6:05 PM **MOTION** by Trustee Benedict, seconded by Trustee McLoud to open the Public Hearing

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent

Mayor MacKerchar asked if there were any comments or concerns regarding amending the Chapter for Noise

Chris Wright asked what this is about. Mayor explained the Noise Law needs to be updated – this includes clarification and expansion of excessive noise and hours that are allowed. There were questions regarding hours of not allowing the loud noises. After a brief discussion Atty. Brockman will change hours and stated we will need another Public Hearing.

At 6:16 PM **MOTION** by Trustee Benedict, seconded by Trustee Hoban to close the Public Hearing

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent

MOTION by Trustee McLoud, seconded by Trustee Condella to reschedule a Public Hearing for Tuesday December 18, 2018 at 6:00PM for Amending the Noise Chapter.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent

MAYOR:

MOTION by Trustee Spencer, seconded by Trustee Benedict to appoint the following effective November 20, 2018.

- Austin Lapp, Planning Board member
- Mike Willis, Alternate Planning Board
- Michael Clancy, Alternate Planning Board
- David Plumlee, Alternate ZBA

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 97 -2018 Authorize to submit a Grant Application to the NYS Office of Community Renewal for Block Grant Funding for 11 Main Street Penn Yan.

WHEREAS, Parker’s Grille, Inc. (the “Company”) plans to renovate an existing building and establish a new restaurant at 11 Main Street, Penn Yan, New York (the “Project”), and

WHEREAS, the Company has requested that the Village of Penn Yan apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the Project costs, and

WHEREAS, the Finger Lakes Economic Development Corporation (the “FLEDC”) is assisting in the facilitation of the Project and has requested that the Village provide the OCR funding to the FLEDC as a grant for the purpose of making a loan or loans to the Company, and

WHEREAS, the Project will result in substantial benefit to the Village of Penn Yan in the form of new investment and new employment positions, and

WHEREAS, the Village has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and the project;

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor is hereby authorized to submit a grant application on behalf of the Village of Penn Yan to the OCR to support the Project, and be it further

RESOLVED, that the Mayor is hereby authorized to execute a grant agreement between the Village and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the FLEDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the Village Attorney, and be it further

RESOLVED, that the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project, and be it further

RESOLVED, that that any actions taken in furtherance of the activities authorized hereunder are hereby ratified and confirmed.

ADOPTED Ayes 6 MacKerchar, Benedict, Condella, Hoban, McLoud, Stewart
 Nays 0 Abstain Spencer Absent

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 98 -2018 Authorize to submit a Grant Application to the NYS Office of Community Renewal for Block Grant Funding for 110 Mace Street Hampton Hotel, Penn Yan.

WHEREAS, Keuka Lake Hotel LLC (the “Company”) plans to construct, equip, and furnish an expansion of its hotel located at 110 Mace Street, Penn Yan, New York (the “Project”), and

WHEREAS, the Company has requested that the Village of Penn Yan apply for funding on its behalf from the New York State Office of Community Renewal (the “OCR”) to finance a portion of the Project costs, and

WHEREAS, the Finger Lakes Economic Development Corporation (the “FLEDC”) is assisting in the facilitation of the Project and has requested that the Village provide the OCR funding to the FLEDC as a grant for the purpose of making a loan or loans to the Company, and

WHEREAS, the Project will result in substantial benefit to the Village of Penn Yan in the form of new investment and new employment positions, and

WHEREAS, the Village has held a public hearing to obtain citizens’ views regarding the CDBG program as administered by OCR and the project;

NOW, THEREFORE, BE IT

RESOLVED, that the Mayor is hereby authorized to submit a grant application on behalf of the Village of Penn Yan to the OCR to support the Project, and be it further

RESOLVED, that the Mayor is hereby authorized to execute a grant agreement between the Village and the OCR and all related documents associated with the OCR grant, including entering into a grant agreement with the FLEDC for the implementation of the Project and administration of the OCR grant, all such documents to be subject to review and approval by the Village Attorney, and be it further

RESOLVED, that the Mayor is hereby designated as the Certifying Officer responsible for all activities associated with the federal environmental review process to be completed in conjunction with the Project.

ADOPTED Ayes 6 MacKerchar, Benedict, Condella, Hoban, McLoud, Stewart
Nays 0 Abstain Spencer Absent

Mayor MacKerchar reminded the Board to mark your calendar Holiday luncheon is Friday December 7, 2018 Noon – 1:00PM upstairs in the Fire House given by the Village and Municipal Boards.

ATTORNEY:

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize Resolution No 95-2018 Further Amendment of Resolution 30-2010 Which Created the Community Revitalization Committee.

WHEREAS, the Board of Trustees of the Village of Penn Yan previously adopted Resolution 30-2010 which created the Community Revitalization Committee (CRC) and established Guidelines for the CRC, which resolution was amended by Resolution 94-2017; and

WHEREAS, there has been a further proposed change in the Guidelines of the program since the adoption of said Resolutions.

NOW THEREFORE, BE IT RESOLVED THAT:

1. For SEQRA purposes the Board of Trustees of the Village of Penn Yan is designated as “Lead Agency”, it is determined that no environmental impact will result from this action and this action is accordingly declared to be a Type II action and therefore no environmental review is necessitated.
2. Paragraph “4.E.” of the Guidelines is amended to provide as follows:

4.E. All loans shall be personally guaranteed by the principal or principals of the entity receiving such loan except when the property is held in the name of a not-for-profit corporation, in which case the Board of Trustees may, as part of the loan/grant approval, may waive such requirement.
3. Except as amend hereby, Resolution 30-2010 and Resolution 94-2017 are hereby ratified and affirmed.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 96-2018 Setting a Public Hearing on Request for Dedication by Keuka Outlet Development, LLC to the Village of Penn Yan of a Portion of a Street Known as Charles Herrmann Way and Public Utility Infrastructure in that Portion of Charles Herrmann Way Being Dedicated on December 18, 2018 at 6:05PM.

WHEREAS, Keuka Outlet Development, LLC is developing “The Moorings” complex in the Village of Penn Yan, including multiple residence housing; and

WHEREAS, to provide access to such housing complex, a portion of a roadway presently referred to as Charles Herrmann Way, has been constructed by the Village, including the bridge across Kimble Gully as well as certain public utility infrastructure in that portion of Charles Herrmann Way; and

WHEREAS, the portion of such roadway to be dedicated as well as the bridge and public utility infrastructure in such portion of Charles Herrmann Way to be dedicated has been determined by the Department of Public Works of the Village of Penn Yan to have been constructed to the standards required by the Village of Penn

Yan and in accordance with the provisions of the Subdivision Chapter of the Code of the Village of Penn Yan and the “Design Criteria and Construction Standards” of the Village; and

WHEREAS, Keuka Outlet Development, LLC has made a written request for the dedication of that portion of Charles Herrmann Way from Hicks Street to the northern extremity of the Kimble Gully Bridge together with the bridge and public utility infrastructure in said portion of Charles Herrmann Way; and

WHEREAS, The Board of Trustees of the Village of Penn Yan deems it appropriate to consider such request for dedication pursuant to the pertinent provisions of the Village Law of the State of New York and the Code of the Village of Penn Yan; and

WHEREAS, it appears that the anticipated dedication of such roadway as a Village Street, together with the other public utility infrastructure in that portion of the road would be an “Unlisted Action” pursuant to SEQR regulations and that the Board of Trustees should act as Lead Agency with respect thereto

NOW THEREFORE BE IT RESOLVED, THAT

1. For purposes of SEQR review, the Board of Trustees of the Village of Penn Yan declares itself “Lead Agency”, determines this potential dedication to be an “Unlisted” action and accordingly an SEAF will be prepared and reviewed.
2. That the Department of Public Works of the Village of Penn Yan is directed to file with the Village Clerk, a certification that the portion of Charles Herrmann Way being offered for dedication, as well as the bridge and public utility infrastructure therein have been laid out and constructed in accordance with applicable standards and specifications of the Village of Penn Yan “Design Criteria and Construction Standards” and that it is appropriate for the Village to accept dedication of Charles Herrmann Way as a Village Street, together with the bridge and public utility infrastructure therein.
3. That a public hearing be held before the Board of Trustees of the Village of Penn Yan on December 18, 2018 at 6:05 p.m. upon the question of the request for the dedication of the aforementioned portion of Charles Herrmann Way and the Kimball Gully Bridge as a Village Street, together with the public utility infrastructure therein, and that due notice be made of such hearing by legal counsel.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee McLoud, seconded by Trustee Hoban to authorize Resolution No 99-2018 Engagement of Contractor for Roof Repairs to the Village Hall award to Proctor Enterprises in the amount of \$2,250.00.

WHEREAS, it has been determined that due to deterioration of materials the roof on the Village Hall at 111 Elm Street in Penn Yan has developed leaks allowing water to infiltrate into the structure; and

WHEREAS, the DPW has sought quotes for those repairs by contacting ten (10) different contractors in the Penn Yan area who do roofing work; and

WHEREAS, only one quote from a contractor was received; and

WHEREAS, subsequent to receiving only one response from the ten (10) contractors who were contacted, the DPW Director advertised for Requests for Proposals (RFP) on or about September 7, 2018. No responses were received from that RFP; and

WHEREAS, the one response received from the DPW contacts with contractors was from Proctor Enterprises who quoted a price of \$2,250.00 for the roof repair; and

WHEREAS, DPW Director Bodine has submitted a memo reciting the efforts to obtain price quotes for the roof repair, a copy of which is attached hereto.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan determines that reasonable efforts have been made by the DPW to comply with the Village Procurement Policy.
2. That although the roof leaks may not be an imminent emergency, it is necessary to have the roof repaired expeditiously without protracted delays.
3. The quote of \$2,250.00 from Proctor Enterprises is hereby approved and DPW Director Bodine is authorized and directed to engage Proctor Enterprises to complete the repairs as soon as is practicable.
4. The Village Treasurer is authorized to expend Village funds for the roof repairs.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart

Nays 0 Abstain 0 Absent 0

Discussion: Bruce Lyon CEO asked to have the permit fees waived for this project since this is a Village owned building. All in agreement.

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to waive the building permits and fees for Proctor Enterprises to repair the Village Hall roof.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Resolution A No 100-2018 Penn Yan McDonald's to Gift approximately 0.80 acre of land to the Village.

WHEREAS, the Village has been notified that the owners of the Penn Yan McDonald's are offering a gift of approximately 0.80 acre of land on the northerly side of Lake Street; and

WHEREAS, any decision to accept such gift would necessitate a SEQR review; and

WHEREAS, the Board of Trustees intends to act as Lead Agency with respect thereto.

Now Therefore, be it Resolved That:

For purposes of SEQR issues, the Board of Trustees of the Village of Penn Yan designates itself as "Lead Agency", declares this potential gift of land to be an "Unlisted" action and therefore a Short Environmental Assessment Form (SEAF) will be prepared and reviewed.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

Atty. Brockman explained this small piece of land is being gifted to the Village of Penn Yan from McDonald's. This is a strip of land approximately 10 feet wide starting at Lake Street and back several hundred feet. Then goes into about 3/4 of an acre. Mostly wet land and this could eventually lead from Lake Street to the Waterfront pathway. Mayor mentioned this is an excellent opportunity for more walkability for the Village. The zoning is general commercial by McDonald's and behind McDonald's is Waterfront.

Atty. Brockman reviewed in full the SEAF for Gift of approximately 0.80 acre of land to the Village. (Part 1, 2 and 3) from McDonald's

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Resolution B No 101-2018 Adoption of SEAF and Acceptance of Deed for Gifting Land to the Village by the Penn Yan McDonald's Restaurant.

WHEREAS, the owners of the Penn Yan McDonald's Restaurant, have offered to gift to the Village a part of its land on Lake Street; and

WHEREAS, the land being offered as a gift would include a ten (10) foot wide strip of land fronting on Lake Street with an additional area of approximately .75 acre to the north of the McDonald's Restaurant; and

WHEREAS, a map of the proposed land to be gifted has been made available to the Board of Trustees; and

WHEREAS, the Board of Trustees previously designated itself as "Lead Agency" with respect to this action, determined it to be an "Unlisted" action and has prepared and reviewed and SEAF.

Now Therefore, be it Resolved That:

1. The SEAF with respect to this action is adopted and it is directed that a Negative Declaration be issued.
2. The Mayor, Village Attorney and DPW Director are authorized and directed to pursue such gift of the subject land and to accept the transfer of title for that land conditioned upon the approval of the documents effectuating the transfer of title by the Mayor, Village Attorney and DPW Director.
3. The Village Treasurer is authorized to expend any funds required for recording and filing of documents with the Yates County Clerk's Office for the transfer of title.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

Atty. Brockman discussed the Kennel Local Law Chapter 202 in the Zoning Chapter. At present the Village does not have a restriction on number of canines a household can keep. This was discussed at the Planning & Development meeting in length and feels it should not be under Zoning but amend the animal chapter of the Village Code and look at no more than three canines. At present the definition of kennel has four or more domestic animals, Atty. feels this needs to be amended no real definition of domestic animals. Atty. stated we have two issues. 1. Amend the animal chapter to limit the number of canines. 2. Amend the definition of kennel or delete it all together. Mayor we have discussed dogs but have other animal's issues number of cats and other animals. Mayor asked this to be brought back to the Planning & Dev. and Public Safety Committees.

COMMUNITY REVITALIZATION:

Mayor MacKerchar mentioned they do have a few applications.

MUNICIPAL:

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize and directing Clerk-Treasurer Gary Meeks and Deputy Clerk-Treasurer Holly Easling to work with Bill Freitag of BST & Co. CPAs, LLP on the development of a rate request application, and further authorizing them to submit it to the Public Service Commission immediately upon completion

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Spencer, seconded by Trustee McLoud to authorize issuing a Notice of Award to Delta-Wye Associates to purchase (2) 15 KVA, 2400/4160Y – 120/240V at \$780.00 each, (4) 25 KVA, 2400/4160Y – 120/240V at \$910.00 each, (3) 37.5 KVA, 2400/4160Y – 120/240V at \$1,069.00 each, (4) 50 KVA, 2400/4160Y – 120/240V at \$1,240.00 each and (3) 75 KVA, 2400/4160Y – 120/240V at \$1,814.00 each for a total amount of \$18,809.00

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize issuing a Notice of Award to Eaton c/o Irby Utilities to purchase (1) 750 kVA, 4160V Delta, 277/480V WYE, loop feed at \$15,308.00 and (2) 500kVA, 4160V Delta, 120/208V WYE, loop feed at \$12,452.00 each for a total amount of \$40,212.00

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Condella, seconded by Trustee McLoud to approve an additional 3 employees to attend the MEUA 2018 December Engineering Workshop in Syracuse on December 11th and 12th, 2018 at a cost of \$80.00 per person

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Spencer, seconded by Trustee Condella to authorize the change order (Amendment #3) for additional work to be completed by MRB group; CDBG project for Sheppard St, Myrtle and Johnson Ave. this will increase the agreement amount by \$6,900.00, for a revised contract amount of \$96,170.00

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee McLoud, seconded by Trustee Condella to approve a Change Order #1 for the North Main St. sewer project for the addition of a drop manhole to the design for an additional amount of \$10,550 from City Hill Construction. (revised total \$179,430.00)

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee McLoud, seconded by Trustee Condella to declare Water/Sewer foremen's old Truck 7 surplus and sell at fair market value

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize 1 additional employee (for a total of 7) to attend the Finger Lakes Water Works Conference Winter Meeting on December 6, 2018 at the Quality Inn Waterloo at a cost of \$25.00 (per person)

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Condella, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of **\$6,832.91**

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		73,165.00
Electric		261,774.15
Sewer		8,903.77
Water		8,678.78
Capital Projects		
Total Paid Before Audit		\$ 352,521.70
Current Audit:		
General	\$	468,698.63
Community Development - CRC		-
Electric		109,649.15
Sewer		138,054.15
Water		124,146.39
Capital Projects		348.29
Total Current Audit Items		\$ 840,896.62
TOTAL AUDIT		\$ 1,193,418.32

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Sheppard Street, Johnson and Myrtle Ave. Water Main replacement-CDBG project #895PW158-16 Warrant for \$72,654.10.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize to create one (1) additional permanent position in an already established title of Waste Water Treatment Plant Operator, effective November 2, 2018.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to promote Clifton Chase to the permanent position of WWTP Operator Group 6 Step 1 22.53 per hour, effective retro to November 2, 2018. There will be no probationary period.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to approve the Sexual Harassment Policy, Complaint form, and the Sexual Harassment Prevention Policy Notice. The Policy will be attached to the Employee Handbook. Copies will be distributed to all employees, along with an acknowledgment for signature.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 102-2018 Budget transfer of \$745.00 for 2018-2019 Fiscal Year (transfer from Treasurer phone and training accounts to accommodate unbudgeted purchase of laptop for Deputy Clerk –Treasurer).

TO:			Date	Fund Totals
Account Id	Description			
A -1325-4-450	Treasurer-Computer Services	745		
		<u>745</u>		
			General	745
			Electric	-
			Sewer	-
			Water	-
			-	<u>745</u>
FROM:			Date	
Account Id	Description			
A -1325-4-420	Treasurer-Phone/Internet/Utilities	200		
A -1325-4-480	Treasurer-Prof Fees/Publications	545		
		<u>745</u>		
			General	745
			Electric	-
			Sewer	-
			Water	-
			-	<u>745</u>

To move excess budget from Treasurer phone and training accounts to accommodate unbudgeted purchase of laptop for use by Deputy Clerk-Treasurer.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 103-2018 Budget Transfers of \$1,677.00 for 2018-2019 Fiscal Year (To shift dollars between audit budget accounts to accommodate final billing from BST for 2017-18 audit.

Account Id	Description		Date	Totals
A -1325-4-470	Treasurer-Audit Fees	988		
E -0781-2-200	Salaries/Expenses-Accounting	188		
ES-8110-4-470	Administration-Audit Fees	125		
ES-8130-4-470	Sewage Treatment-Audit Fees	188		
EW-8320-4-470	Pumping & Purification-Audit Fees	188		
		<u>1,677</u>		
			General	988
			Electric	188
			Sewer	313
			Water	<u>188</u>
			-	<u>1,677</u>
FROM:			Date	
Account Id	Description			
A -1210-4-480	Mayor-Professional & Training	302		
EW-8310-4-470	Administration-Audit Fees			

1,375

1,677

General	302
Electric	-
Sewer	-
Water	<u>1,375</u>
	<u>1,677</u>

To shift dollars between audit budget accounts to accommodate final billing from BST for 2017-18 audit.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 104-2018 Budget Transfer of \$3,465.00 for 2018-2019 Fiscal Year (excess budget for police retirement costs to contractual services to cover unplanned costs).

Account Id	Description	Date	Totals
A -3120-4-410	Police-Contractual Services	<u>3,465</u>	
		<u>3,465</u>	
			General 3,465
			Electric -
			Sewer -
			Water -
			- 3,465

FROM:

Account Id	Description	Date	Totals
A -9015-8-800	Employee Benefits-Police Retirement	<u>3,465</u>	
		<u>3,465</u>	
			General 3,465
			Electric -
			Sewer -
			Water -
			3,465

To move excess budget for police retirement costs to contractual services to cover unplanned costs

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 105-2018 Budget Transfer of \$2,917.00 for 2018-2019 Fiscal Year (excess budgeted funds available due to rate for volunteer firefighters cancer coverage being lower than projected. Portion covered to use for grant writing (air packs grant) and additional cost for LOSAP actuary reports needed for GAAP statements).

Account Id	Description	Date	Totals
A -3410-4-410	Fire-Contractual Services	2,000	
A -3410-4-415	Fire-Health Services	167	
A -9025-8-800	Employee Benefits-LOSAP	<u>750</u>	
		<u>2,917</u>	
			General 2,917

Electric	-
Sewer	-
Water	<u>-</u>
-	<u>2,917</u>

FROM:

Account Id	Description	Date
A -9025-8-801	Enhanced Health Benefits Volunteer Fire	<u>2,917</u>
		<u><u>2,917</u></u>

General	2,917
Electric	-
Sewer	-
Water	<u>-</u>
	<u>2,917</u>

Excess budgeted funds are available due to rate for volunteer firefighter cancer coverage being lower than projected. A portion of this excess is being used to cover unbudgeted costs for grant writing (air packs grant), slightly higher than expected costs for health services, and additional cost for LOSAP actuary reports that were needed for GAAP compliant financial statements.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 106-2018 Budget Transfer of \$170.00 for 2018-2019 Fiscal Year (to cover the cost of signs to be used by ZBA for properties requesting variances, with cost being taken from the village retirement account which is coming under budget).

TO:

Account Id	Description	Date	<u>Fund Totals</u>
A -8010-4-410	Zoning-Contractual Services	<u>170</u>	
		<u><u>170</u></u>	

General	170
Electric	-
Sewer	-
Water	<u>-</u>
-	<u>170</u>

FROM:

Account Id	Description	Date
A -9010-8-800	Employee Benefits-State Retirement	<u>170</u>
		<u><u>170</u></u>

General	170
Electric	-
Sewer	-
Water	<u>-</u>
	<u>170</u>

Budget transfer to cover the cost of signs to be used by ZBA for properties requesting variances, with cost being taken from the village retirement account which is coming in under budget.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 107-2018 Budget Transfer of \$318.00 for 2018-2019 Fiscal Year (to cover cost of cemetery software support agreement which was higher than budgeted with cost being taken from village retirement account which is coming under budget).

Account Id	Description	Date	Totals
A -8810-4-410	Cemetery-Contractual Services	318	
		<u>318</u>	
			General 318
			Electric -
			Sewer -
			Water -
			- 318

FROM:

Account Id	Description	Date	Totals
A -9010-8-800	Employee Benefits-State Retirement	318	
		<u>318</u>	
			General 318
			Electric -
			Sewer -
			Water -
			- 318

Budget transfer to cover the cost of cemetery software support agreement which was higher than budgeted, with cost being taken from the village retirement account which is coming in under budget.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 108-2018 Budget Transfer of \$4,225.00 for 2018-2019 Fiscal Year (transfer within sanitary sewer to cover emergency sewer main repair and higher than expected vehicle repair costs).

Account Id	Description	Date	Totals
ES-8120-4-410	Sanitary Sewer-Contractual Service	3,025	
ES-8120-4-417	Sanitary Sewer-Maintenance on Vehicles	1,200	
		<u>4,225</u>	
			General -
			Electric -
			Sewer 4,225
			Water -
			- 4,225

FROM:

Account Id	Description	Date	Totals
ES-8120-4-413	Sanitary Sewer-I&I Correction	3,025	
ES-8120-4-500	Sanitary Sewer-Supplies & Materials	1,200	
		<u>4,225</u>	
			General -
			Electric -
			Sewer 4,225
			Water -
			- 4,225

Budget transfer within sanitary sewer to cover emergency sewer main repair and higher than expected vehicle repair costs.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 109-2018 Budget Transfer of 4,025.00 for 2018-2019 Fiscal Year (transfer within water transmission cost center to over costs for contractual services and maintenance on mains that are projected to be higher than budgeted).

Account Id	Description	Date	Totals
EW-8340-4-410	Transmission & Distr-Contracted Services	25	
EW-8340-4-414	Transmission & Distr-Maint on Mains	4,000	
		<u>4,025</u>	
			General -
			Electric -

		Sewer	-
		Water	<u>4,025</u>
		-	<u>4,025</u>
FROM:			
Account Id	Description	Date	
EW-8340-4-415	Transmission & Distr-Maint on Hydrants	<u>4,025</u>	
		<u>4,025</u>	
		General	-
		Electric	-
		Sewer	-
		Water	<u>4,025</u>
			<u>4,025</u>

Budget transfer within water transmission cost center to cover costs for contractual services and maintenance on mains that are projected to be higher than budgeted.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to approve the roster of eligible interior firefighters to be covered under the NYS Volunteer Firefighter Enhanced Cancer Disability Benefit program, and authorizing the Clerk-Treasurer to bind coverage with VFIS effective 1/1/19. The program offered by VFIS is compliant with General Municipal Law Section 205-CC which becomes effective 1/1/19.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee Condella to authorizing the Mayor to sign the Participating Agency Endorsement and Authorization for the Intergovernmental Cooperative Purchasing Agreement with National Purchasing Partners (NPP).

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorizing the Mayor to sign the purchase commitment letter for a firetruck (replacement of E1 pumper) to be purchased under the NPPGov; Fire Rescue GPO contract 1420 in the amount of \$721,561. The fire apparatus will be purchased from Churchville Fire Equipment Corp. and will be manufactured by Pierce Manufacturing Inc. Further authorization is granted to the Clerk-Treasurer to arrange for a down payment of approximately \$380,000 by January 16, 2019, utilizing available funds in the fire equipment reserve.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
 Nays 0 Abstain 0 Absent 0

Mayor thanked Chief LaRock and the department for their patience and assistance to help obtain the extra funding from Senator O'Mara's Office.

PUBLIC SAFETY:

POLICE DEPARTMENT:

FIRE DEPARTMENT:

Chief's Report for October

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize to remove Kyle Sykes from the Penn Yan Fire Department effective 10/12/2018.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

CODE ENFORCEMENT:

Monthly activity report for October

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Bruce Lyon to attend the annual NYSBOC (New York State Building Officials Conference) on Friday December 7, 2018 in Kingston, NY. Requesting mileage only.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Hoban to declare 2 uninterrupted power supply devices (APC model R3A031) as surplus and dispose of appropriately.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee McLoud, seconded by Trustee by Trustee Condella to authorize issuing a Notice of Award to Pipetone Enterprises, LLC for the removal, disposal and replacement of three (3) heat pumps servicing the Village of Penn Yan Police Department for a total amount of \$15,080.00.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize the Mayor to sign the leases without any changes with Joe Patchett (\$600.00) for the property off Himrod Road and with the Mortensens' (\$575.00) for the cemetery house located at 361 Elm Street.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

PLANNING & DEVELOPMENT:

PLANNING BOARD:

COMMENTS

EXECUTIVE SESSION:

At 7:10 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to enter into Executive Session.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:38 PM, **MOTION** by Trustee McLoud, seconded by Trustee Spencer to leave Executive Session and return to regular Village Meeting.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

ADJOURNMENT:

At 7:39 PM, **MOTION** by Trustee McLoud, seconded by Trustee Spencer to adjourn the regular Village Board meeting.

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent 0

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: