

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, December 16, 2014 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor L. MacKerchar; Trustees W. Allison: C. Benedict; 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; Police Chief M. Hulse; CEO B. Lyon;

ABSENT: Fire Chief J. Housel

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

PUBLIC: Atty. Bob Tyson, Donna Alexander, Earl Gleason and Steve Exner

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

CALL FOR EXECUTIVE SESSION:

No Executive Session tonight

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Church to approve the Village Board Minutes from November 18, 2014.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

GUESTS, PUBLIC REQUEST & COMMENTS:

Donna Alexander personally wanted to thank the Village Board for the new tree that was planted in her yard on Hillcrest Drive. Her and her husband are delighted to have the tree and thanked them again.

Earl Gleason, Director of Veterans' Service for Yates County is asking the Village Board to reconsider the code for the use of the tent, ground covering and chairs for burials at Lakeview Cemetery. It is very hard on the grieving family members to stand during a service, in the rain, cold weather or extreme heat. Many of the people are elderly and need to sit and unable to stand for long periods of time. Mr. Gleason stated a Funeral Director was told that they were not doing this service any more due to liability issues. He stated this sounds cruel making a grieving family stand out in the different climate it could be cold, rainy, windy etc. Brent mentioned this was changed due to liability issues. Mr. Gleason feels it's more of a liability not to have these. Brent mentioned that the Code did change but it was a misunderstanding on the last burial. Brent mentioned the burial needs to be evaluated by case to case and it's not up to just one person. The Funeral Director will also be informed so they can notify the family of what to expect. Winter rules are in effect from November 1st – March 31st. They will be looking at each one on an individual case. Mr. Gleason would like to see if they would reconsider this part of the code.

Steve Exner had a concern about the vault storage at the Lakeview Cemetery being closed, unsure why it was being closed. Mr. Exner reminded the Board the cemetery is used for all County residents and out of area people not just Village residents. Even though Lakeview Cemetery can bury all year long there are other smaller cemeteries that are not passable during the winter. This puts a burden on the families and Funeral Homes. Gorham and Dundee both have vaults and it is a ways to go for storage and it is a possibility we could have a number of people. Mr. Exner commented if you're worried that a body will not be picked up, he is willing to pick it up and take it where it needs to be buried. A Funeral Home can lose their license for not picking up a body. Mr. Exner asking if this could be looked at and rethought. He reminded the Board this is a service which helps the County along with non-County people it's not just Village residents. Mayor will send this back to the committee to review it again.

Atty. Bob Tyson from (BSK) Bond –Schoeneck & King was present to review in full Part 2 of the Full Environmental Quality review act relating to the Waterfront Revitalization/Redevelopment project. He informed the Board to ask questions or speak up if they disagree with any of the answers. After Atty. Tyson reviewed Part 2 in full he questioned the Village Board again to see if anyone had question or concerns. The Village Board had no questions or concerns at this time. Atty. Tyson mentioned the Board will have to decide 1) whether this will not result in any significant adverse environmental impacts and a negative declaration will be prepared or 2) it has potential to create at least one significant adverse environmental impact and a positive declaration. After a lengthy discussion it was decided to move forward.

MOTION by Trustee Church, seconded by Trustee Reeve to authorize Resolution No 88-2014 will check the box to show Project will not result in any significant adverse environmental impacts and a "negative declaration," as this term is defined in the Regulations, shall be prepared, filed and published pursuant to SEQRA. (Mayor called for a roll call vote)

WHEREAS, Yates County (the "County") is the fee owner of a parcel of real property totaling approximately 14.7 acres on the eastern 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 Property has been accepted into the Brownfield Cleanup Program ("BCP") administered by the New York State Department of Environmental Conservation ("NYSDEC"); and

WHEREAS, Keuka Outlet Development LLC ("Keuka") desires to take 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 desires to have 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, the Village of Penn Yan (the "Village") desires to improve water, sewer, utility, and roadway infrastructure (the "Infrastructure Improvements") to serve property located between the eastern bank of the Keuka Lake Outlet and Lake Street/New York State Route 54, including the areas of Mace Street, Hicks 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 the installation of some of the Infrastructure Improvements relating to water and sewer service; 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 beneficial to the Village; and

WHEREAS, the Village, the County, and Keuka are desirous of completing their respective obligations relating to the Infrastructure Improvements and the Proposed Development, which are collectively referred to as the Waterfront Revitalization/Redevelopment Project (the "Project"); 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 Project; and

WHEREAS, in addition to the Village, the other "involved agencies" (as this term is defined in the Regulations) with respect to this Project include the NYSDEC, the New York State Department of State, the New York State Department of Transportation, the New York State Environmental Facilities Corporation, the New York State Department of Health, and the Yates County Industrial Development Agency;

WHEREAS, on September 18, 2014, the Village, exercising due diligence, caused letters describing the Project to be sent to each involved agency, together with Part 1 of a Full Environmental Assessment Form ("EAF") and attachments for the Project, indicating the Village's desire to serve as "lead agency" (as the term is defined in the Regulations) for a coordinated review under SEQRA and requesting any comments the agencies may have on the Project; and

WHEREAS, all of the involved agencies either consented or did not object to the Village serving as lead agency and some involved agencies provided substantive comments on the Project; and

WHEREAS, by letters dated September 18, 2014, the Village, exercising due diligence, informed the New York State Office of Parks, Recreation and Historic Preservation, the U.S. Army Corps of Engineers, and the Lake Outlet Compact that it considered these agencies to be "interested agencies" (as that term is defined in the Regulations) and requested comments on the Project; and

WHEREAS, at its regular meeting on November 18, 2014, the Village Board classified the Project as a Type I action and established itself as the Lead Agency for purposes of a coordinated environmental review under SEQRA for the Project;

WHEREAS, pursuant to the Regulations, the Village has considered the significance of the potential environmental impacts of the Project by (a) using the criteria specified in Section 617.7 of the Regulations, and (b) examining the EAF for the Project, including the facts and conclusions in Part 1 of the EAF, and completing Parts 2 and 3 of the EAF, together with examining other available supporting information, to identify the relevant areas of environmental concern, and (c) thoroughly analyzing the identified areas of relevant environmental concern;

NOW THEREFORE IT IS HEREBY RESOLVED THAT:

Based upon an examination of the EAF and other available supporting information, as well as information provided by the involved agencies and consultants for KOD and the Village's own consultants, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village's knowledge of the area surrounding the Project and such further investigation of the Project and its potential environmental impacts as the Village has deemed appropriate, the Village makes the following findings and determinations:

A. The Project is described in the EAF and the attachments to the EAF;

B. The Project is a Type I action; and

C. The Village of Penn Yan has duly acted as lead agency for purposes of undertaking a coordinated review with respect to the Project.

IT IS HEREBY FURTHER RESOLVED that

(CHECK ONE OF THE FOLLOWING)

X The Project will not result in any significant adverse environmental impacts and a "negative declaration," as this term is defined in the Regulations, shall be prepared, filed and published pursuant to SEQRA.

OR

___ The Project has the potential to create at least one significant adverse environmental impact and, therefore, a "positive declaration," as this term is defined in the Regulations, shall be prepared, filed, and published pursuant to SEQRA, and the Village shall be required to prepare an Environmental Impact Statement with respect to such impacts of the Project.

IT IS HEREBY FURTHER RESOLVED, that this resolution shall take effect immediately.

The adoption of the foregoing Resolution was moved by Trustee Bob Church, seconded by Trustee Dave Reeve, and duly put to vote, which resulted as follows:

Penn Yan Village Board

	Aye	Nay
Mayor Leigh MacKerchar	X	
Trustee William Allison	X	
Trustee Carolyn Benedict	X	
Trustee Christine Christensen	X	
Trustee Robert Church	X	
Trustee David Reeve	X	
Trustee Richard Stewart	X	ADOPTED

Atty. Tyson and Brent will be meeting and moving forward on this. Atty. Tyson left the meeting.

MAYOR:

ATTORNEY:

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize Resolution No 81 -2014 Proposed Local Law to Repeal the Recreation Commission Chapter of the Code of the Village of Penn Yan and request a Public Hearing for January 20, 2015 at 6:00 PM.

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider repealing the "Recreation Commission" Chapter of the Code of the Village of Penn Yan; and

WHEREAS, the Board of Trustees intends to act as lead agency for the purposes of the review of this proposed Local Law under the provisions of SEQRA; and

WHEREAS, the action does not appear to cause any environment impact and therefore such adoption may be deemed to be a Type II Action pursuant to SEQRA; and

WHEREAS, a proposed Local Law has been prepared and circulated to the Board of Trustees.

Now Therefore, be it

RESOLVED, that the Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action; and be it further

RESOLVED, that the Board of Trustees of the Village of Penn Yan finds that this action will have no environmental impact, therefore determines this to be a “Type II” action under SEQRA and accordingly no environmental review will be undertaken; and it is further

RESOLVED, that a public hearing on the proposed Local Law is hereby scheduled for January 20, 2015 at 6:00 p.m. at the Penn Yan Village Hall and that notice thereof be made.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Stewart, seconded by Trustee Allison to authorize Resolution No 82 – 2014 Regarding SEQRA issues and Consideration of Proposed Local Law Amending the Parks and Playgrounds Chapter of the Code of the Village of Penn Yan, setting a Public Hearing for January 20, 2015 at 6:05PM.

WHEREAS, it has been recommended by the Director of the Department of Public Works, that the Parks and Recreation Chapter of the Code of the Village of Penn Yan be amended with respect to several aspects of the said Chapter; and

WHEREAS, the Board of Trustees of the Village of Penn Yan intends to act as lead agency for the purposes of the review of this action under the provisions of SEQRA; and

WHEREAS, the adoption of such regulations may be deemed a “Type II” Action pursuant to SEQRA; and

WHEREAS, a draft Local Law has been prepared and circulated to the Board of Trustees.

Now Therefore, be it Resolved that:

1. The Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action.

2. The Board of Trustees of the Village of Penn Yan determines that no environmental impact will result from the proposed adoption of amended cemetery regulations, that accordingly the action is designated as “Type II” under SEQRA; and therefore no environmental review will be undertaken.

3. That a public hearing on the proposed Local Law is hereby scheduled for January 20, 2015 at 6:05 p.m. at the Village Hall and that notice thereof be made by legal counsel.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Christensen, seconded by Trustee Church to authorize Resolution No 83-2014 Update the Village of Penn Yan Workplace Violence Policy Statement in accordance with the New York State Public Employee Safety and Health

WHEREAS, the Village of Penn Yan intends to update the Workplace Violence Prevention Policy Statement that the Policy Statement of the Village of Penn Yan consistent with the copy attached hereto and incorporated herein by reference:

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Board of Trustees of the Village of Penn Yan determines that no environmental impact will result from the proposed adoption hereof, that accordingly the action is designated as “Type II” under SEQRA; and therefore no environmental review will be undertaken.

2. The Board of Trustees of the Village of Penn Yan adopts the proposed updated Workplace Violence Prevention Policy Statement as presented.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

COMMUNITY REVITALIZATION:

Mayor MacKerchar mentioned an approved candidate has changed his mind and will not be utilizing the grant/loan which he was previously approved for \$3,547.80. If any business is interested in the facade program they need to stop in and get an application.

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Benedict to forgive the sewer bill totaling \$208.44 for 300 Main Street.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart

Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Church to approve the reimbursement of a sewer line repair at 107 Brown Street totaling \$259.20.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Church to accept the Payment Agreements in the amount of \$11,060.48

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

Trustee Allison mentioned the project at the WWTP is about 99.8% finished. There was a concern with one of the digester covers but after inspecting it we can fix it at little cost.

Brent Bodine explained the composting project – at this time we are drying our own sludge. We are waiting to hear from the vendor about the three blowers we need, he is trying to give us a better price. Vendor has another client that needs 9 blowers and he believes can get our price down.

Trustee Church wanted to thank everyone that has been involved in the survey and grant work for Seneca Street. We did receive the block grant so we can repair the water line and fix Seneca Street which is in desperate need of replacing.

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		28,967.08
Electric		150,826.99
Sewer		8,368.27
Water		6,882.43
Capital Projects		
Total Paid Before Audit		\$ 195,044.77
Current Audit:		
General	\$	92,506.31
Community Development - CRC		-
Electric		96,876.51
Sewer		133,676.89
Water		9,576.72
Capital Projects		2,640.00
Total Current Audit Items		\$ 335,276.43
TOTAL AUDIT		\$ 530,321.20

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent 0

MOTION by Trustee Church, seconded by Trustee Christensen to authorize Resolution No 84-2014 Budget Transfers for 2014-2015 Fiscal Year (transfer from crack filling/chip sealing & contractual service to cover higher than anticipated maintenance)

TO:

Account Id	Description	Date	Fund Totals
A -5110-4-413	Street Maintenance-Vehicle & Equipment Repairs	4,000	
		<u>4,000</u>	
		General	4,000
		Electric	-
		Sewer	-
		Water	-
		-	<u>4,000</u>

FROM:

Account Id	Description	Date
A -5110-2-230	Street Maintenance-Crack Filling/Chip Sealing	2,000
A -5110-4-410	Street Maintenance-Contractual Services	2,000

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Christensen, seconded by Trustee Church to declare as surplus a motorcycle that has been impounded since 2013 and the title has been turned over to the Village. Will take to scrap yard and put money put towards outstanding towing bill.

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Reviewed the Monthly activity report

FIRE DEPARTMENT:

Monthly Fire Department report

Year to Date Fire Department report

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize Kyle T. Wilmott be elected to the Penn Yan Fire Dept. Inc. (Ellsworth Hose Company) effective December 2, 2014.

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

CODE ENFORCEMENT:

MOTION by Trustee Christensen, seconded by Trustee Allison to Condemnation of 112 Clinton Street and declares it a public nuisance and a threat to safety, health, and welfare of the general public, and authorizes the building inspector to proceed with demolition and removal utilizing a private contractor.

Discussion: Trustee Reeve asked is the property in the Historic District and has it been presented to the Committee yet. Bruce Lyon stated not yet – just received permission to demolish it. Trustee Reeve mentioned the Preservation Commission is a critical part of this decision and this should go through them they might have a solution or resources or will be fine to demolish it but they need to be aware of this. Atty. Brockman recommended to have the motion amended should read to Condemnation of 112 Clinton Street and declares it a public nuisance and a threat to safety, health, and welfare of the general public. Atty. explained yes this needs to go in front of the Historic Commission and feels Bruce Lyon should present it. He reminded them will need more than one contractor to submit a quote (Procurement Policy) and feels this will be subject to a SEAF. Atty. feels this should be amended again to read to Condemnation of 112 Clinton Street and declares it a public nuisance and a threat to safety, health, and welfare of the general public and add the issue of preservation be submitted to the Historic Preservation Commission and legal Counsel will prepare a Resolution with respect to SEQRA issues.

Trustees Christensen and Allison amended their original Motion.

MOTION by Trustee Christensen, seconded by Trustee Church, based upon the recommendation of CEO Lyon, to condemn the residence located at 112 Clinton Street in the Village of Penn Yan, declare said structure to be a public nuisance, as well as a threat to the safety, health and welfare of the general public, to refer the issue of the possible preservation thereof to the Historic Preservation Commission and that legal Counsel prepare a Resolution with respect to the matter, including SEQRA issues.

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Resolution No 89-2014, Authorization to demolish and Remove the Structure at 112 Clinton Street will be tabled.

PUBLIC WORKS:

MOTION by Trustee Allison, second by Trustee Church to authorize Mayor MacKerchar signs the revised agreement between the Village of Penn Yan and Joseph Patchett for a one year land lease located north of Himrod Road in the Town of Milo approximately 16 acres with a rent charge of \$600.00.

(Revision is paragraph 4 and 5)

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Reeve to authorize the hiring John’s Lawn Care on an as needed basis for snow and ice removal throughout the Village at a rate of \$40.00 per hour.

Discussion: Bill Jensen explained we received two bids and John Ward was the lowest.

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize a Letter of Intent to Milton CAT be issued for the \$139,361.00 estimate for a 2015 front end loader Caterpillar 930M.

ADOPTED Ayes 7 MacKerchar, Allison, C. Benedict, C. Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Trustee Allison wanted to remind residents to shovel there sidewalks during the winter months.

PARKS & RECREATION:

Trustee Stewart mentioned the Parks meeting has changed to the second Tuesday of the month at 9:00AM.

PLANNING & DEVELOPMENT:

Trustee Reeve explained there are a few different projects the committees are working on:

Preliminary Signage/Variance completed in November – present to Planning Board in January.

Elise Johnson-Schmidt guest speaker to discuss redevelopment of upper floors in historic downtown row buildings.

Historic Commission is working on resources and programs for historic property owners. Reviewing areas of responsibility, policy and practices will be hearing more in the future.

PLANNING BOARD:

Trustee Reeve mentioned the Planning Board and ZBA were both cancelled this month. Trustee Reeve stated the Comp. Plan Steering Committee met December 4th and will meet again on January 15th. John Steinmetz and team reviewed results of the first public meeting; next step is a resident survey. He explained the meeting to kick off the TAP Grant for pedestrian bridges and improved access to the Outlet was held last week. They are having another meeting to discuss the real estate components of the project.

COMMENTS

ADJOURNMENT:

At 7:34 PM, **MOTION** by Trustee Christensen, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

ADOPTED Ayes 7 MacKerchar, Allison, Benedict, Christensen, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent 0

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: