

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, December 17, 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; 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 members Bruce LeClaire, Leigh MacKerchar, Rom French

ABSENT: Trustee D. Reeve, Fire Chief J. Housel

News Media present: Jon Christensen, Chronicle Express; Jim Miller, Finger Lakes Times; David Specksgoor, Dundee Observer

PUBLIC: County Legislatures Taylor Fitch and Tim Dennis, Mike Christensen, Carolyn Benedict and family members

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

Mayor Church appointed Carolyn Benedict to fill the Trustee vacancy for four months until the Village elections in March. Trustee Mike Christensen had previously resigned his position effective December 6, 2013.

Mayor Church conducted the Oath of Office ceremony for Village Trustee Carolyn Benedict.

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to approve the appointment of David J. Grace as Acting Village Justice in the absence of Justice Hibbard. Justice Grace will fill out the remaining term of Justice John M. Symonds until 31st of March.

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

Mayor Church thanked Mike Christensen for his many years on the Village Board. He has been a big part of the Board.

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Winslow, seconded by Trustee Allison to have an Executive Session to discuss real estate and legal counsel.

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

MINUTES:

MOTION by Trustee Winslow, seconded by Trustee Stewart to approve the Village Board Minutes from November 19, 2013

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

GUESTS, PUBLIC REQUEST & COMMENTS:

No comments

MAYOR:

Mayor Church explained with a lot of hard work by former Trustee M. Christensen, Trustee Reeve and the Mayor and the County Legislature we have reached an agreement. Mayor Thanked Yates County Legislature Chairman Taylor Fitch and Tim Dennis for working with us over these past few months.

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to designate the Village as lead agency for the SEQRA issues relating to the two resolutions (91-2013 and 92-2013).

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

Atty. Brockman discussed if either of these two agreements would require any environmental impact by executing. Mayor and the Board feel it would not cause an impact.

MOTION by Trustee Allison, seconded by Trustee C. Christensen to designate this action as a Type II and therefore no environmental review for it.

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

MOTION by Trustee Winslow seconded by Trustee Stewart to authorize Resolution No 91-2013 Inter-Municipal Agreement Regarding Anticipated PILOT Agreements.

THIS INTER-MUNICIPAL AGREEMENT dated as of December 17, 2013 (the "Agreement") between YATES COUNTY (the "County"), a municipal corporation organized and existing under the laws of the State of New York having an office located at 417 Liberty Street, Penn Yan, New York and the VILLAGE OF PENN YAN (the "Village"), a municipal corporation organized and existing under the laws of the State of New York having an office located at 111 Elm Street, Penn Yan, New York;

WITNESSETH:

WHEREAS, pursuant to its Local Law the County imposes and collects an occupancy tax (the "Yates County Occupancy Tax"); and

WHEREAS, for the purposes of this Agreement the following terms shall be defined as follows:

(a) **Tax Year** – A one (1) year period from December 1 of a particular calendar year through November 30 of the following calendar year.

(b) **Total Occupancy Tax Revenue** – The total occupancy tax revenue generated and collected from the imposition of the Yates County Occupancy Tax in a given **Tax Year**.

(c) **County Administrative Costs** – In a given **Tax Year**, the expenses/costs of the County in administering the Yates County Occupancy Tax, of which said expenses/costs shall not exceed three percent (3%) of the **Total Occupancy Tax Revenue** in a given tax year.

(d) **Share of Occupancy Tax Revenue After Administrative Costs** -- the **Total Occupancy Tax Revenue** LESS **County Administrative Costs**.

(e) **County Net Share of Occupancy Tax Revenue** – The **Share of Occupancy Tax Revenue After Administrative Costs** LESS the amount allocated for the purpose of County tourism, of which said tourism allocation shall not exceed fifty percent (50%) of the **Total Occupancy Tax Revenue**.

(f) **Hotel or Motel** – Shall have the same meaning as defined in the County Local Law authorizing the Yates County Occupancy Tax, to wit: "Any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as "bed and breakfast", inns, cabins, condominiums, cottages, campgrounds, lodges, tourist homes, convention centers, and vacation rentals. The term condominium shall mean and include those units rented or leased directly by the owner or through a real estate agency or rental management agency. The provisions of this section relating to campgrounds, shall only apply to those leases and rentals in which the campground provides overnight shelter or lodging, and shall not apply to the provision of services by a campground when the customer provides his or her own shelter or lodging".

(g) **Base Tax Year** – The **Tax Year** of December 1, 2012 through November 30, 2013.

(h) **Base Village Occupancy Tax Revenue** - That portion of the **Total Occupancy Tax Revenue** for the **Base Tax Year**, that is attributable to **Hotels or Motels** located within the Village of Penn Yan, NY.

(i) **Village Occupancy Tax Revenue Increase** – For any given **Tax Year** subsequent to the **Base Tax Year**, the difference between that portion of the **Total Occupancy Tax Revenue** for that particular **Tax Year** that is attributable to **Hotels or Motels** located within the Village of Penn Yan, NY and the **Base Village Occupancy Tax Revenue**.

(j) **Net Share of Village Occupancy Tax Revenue Increase** – The **Village Occupancy Tax Revenue Increase** LESS the following i) the pro rata share of the **County Administrative Costs** and ii) the pro rata share of the amount allocated for the purpose of County tourism.

; and

WHEREAS, pursuant to New York State law the County is permitted to allocate a portion of its county net share of occupancy tax revenue to enhance the general economy of its villages, and the County is so agreeing to such an allocation to the Village, as further described herein; and

WHEREAS, the Village proposes to undertake a project in the Village consisting of certain infrastructure improvements to roads (improved by a surface having a Period of Probable Usefulness of 15 years), recreational area(s) (having a Period of Probable Usefulness of 15 years), sidewalks and the Keuka Outlet Trail, and the financing thereof, in an area west of Lake Street and east of the Keuka Lake Outlet and Keuka Lake (the "Infrastructure Project"); and

WHEREAS, Article 5-G of the New York General Municipal Law authorizes municipal corporations to enter into agreements providing for municipal cooperation;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the County hereby agrees as follows:

- 1. Agreement.** In order to induce the Village to undertake the Infrastructure Project and the financing thereof, as contemplated by this Agreement, the County hereby agrees to make the following payments to the Village as a contribution to the costs of the same, as an economic investment thereto.
- 2. Initial Payment Obligation.** The County agrees to pay to the Village on or by April 15 of each calendar year beginning in 2016 and continuing through 2025, the **Net Share of Village Occupancy Tax Revenue Increase** for the **Tax Year** ending in the prior calendar year.
- 3. Subsequent Payment Obligation.** Upon the expiration of the above described initial payment obligation, the County agrees to pay to the Village on or by April 15 of each calendar year beginning in 2026 and each calendar year thereafter, one half (1/2) of the **Net Share of Village Occupancy Tax Revenue Increase** for the **Tax Year**

ending in the prior calendar year; and the County will retain the other one half (1/2) of said amount unless the parties agree otherwise in a subsequent written agreement.

- 4. **Premise.** The parties to this Agreement agree that the same is predicated on the fact that the Yates County Occupancy Tax rate is four percent (4%); and as such, if there is an increase in said tax rate in the future, this Agreement would NOT be applicable to any occupancy tax revenue attributable to the difference between the increased tax rate and four percent (4%).
- 5. **Compliance with Law.** The Village covenants that it is aware of the laws governing the use of the payments provided under this Agreement, and the Village agrees to use the payments disbursed pursuant to this Agreement only in the manner so allowed.
- 6. **Notices.** (a) All notices and other communications hereunder shall be in writing and shall be deemed given when mailed by United States registered or certified mail, postage prepaid, return receipt requested, at the addresses set forth in the initial paragraph of this Contract.

(b) The County and the Village may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates and other communications shall be sent.

Mayor Called for a roll call vote:

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

MOTION by Trustee C. Christensen, seconded by Trustee Stewart to authorize Resolution No 92-2013 Inter-Municipal Agreement Regarding Occupancy Tax Revenue.

THIS INTER-MUNICIPAL AGREEMENT dated as of December 17, 2013 (the "Agreement") between YATES COUNTY (the "County"), a municipal corporation organized and existing under the laws of the State of New York having an office located at 417 Liberty Street, Penn Yan, New York and the VILLAGE OF PENN YAN (the "Village"), a municipal corporation organized and existing under the laws of the State of New York having an office located at 111 Elm Street, Penn Yan, New York;

WITNESSETH:

WHEREAS, it is anticipated that the Yates County Industrial Development Agency, doing business as Finger Lakes Economic Development Center (the "Agency") will be providing certain "financial assistance" (as defined in Article 18-A of the New York General Municipal Law) to certain companies in connection with the undertaking by such respective companies of the following commercial projects within the Village of Penn Yan, New York: 1) the land acquisition, and construction and development of a hotel on Elm Street (currently known as the proposed "Elm Street Microtel Hotel Project"), and 2) the land acquisition, and construction and development of a hotel located off of Lake Street and fronting Keuka Lake (currently known as the proposed "Lakefront Hampton Inn Project"); and

WHEREAS, the "financial assistance" anticipated includes the Agency's provision of an exemption from real property taxes to the respective companies under Payment in Lieu of Tax Agreements by and between the Agency and the respective companies, pursuant to which the companies will agree to pay certain payments in lieu of taxes with respect to its particular commercial project (collectively the "PILOT Agreements", and individually denoted as the "Elm Street Hotel PILOT Agreement" with respect to the proposed Elm Street Microtel Hotel Project and "Lakefront Hotel PILOT Agreement" with respect to the proposed Lakefront Hampton Inn Project); and

WHEREAS, the Village proposes to undertake a project in the Village consisting of certain infrastructure improvements to roads (improved by a surface having a Period of Probable Usefulness of 15 years), recreational area(s) (having a Period of Probable Usefulness of 15 years), sidewalks and the Keuka Outlet Trail, and the financing thereof, in an area west of Lake Street and east of the Keuka Lake Outlet and Keuka Lake (the "Infrastructure Project"); and

WHEREAS, in connection with the execution and delivery of each of the PILOT Agreements, the County is agreeing to provide certain funding to the Village; and

WHEREAS, Article 5-G of the New York General Municipal Law authorizes municipal corporations to enter into agreements providing for municipal cooperation; and

WHEREAS, the County desires to enter into this Agreement to provide for payments to the Village for the amounts described herein;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the County hereby agrees as follows:

- 7. **Agreement.** In order to induce the Village to undertake the Infrastructure Project and the financing thereof, as contemplated by this Agreement, the County hereby agrees to make the following payments to the Village as a contribution to the costs of the same, as an economic investment thereto.
- 8. **Elm Street Hotel PILOT Agreement.** The County agrees that upon the execution of the Elm Street Hotel PILOT Agreement contemplated above, with respect to said PILOT Agreement the County will pay to the Village on or by September 30 of each calendar year an amount equal to the difference between the amount of village real property tax revenue the Village would have received that particular calendar year for the subject parcel if said PILOT Agreement was not in full force and effect and the amount of revenue the Village is to receive for that particular calendar year pursuant to said Pilot Agreement. The County agrees to make said payments to the Village for the duration that said PILOT Agreement is in full force and effect.

- 9. **Lakefront Hotel PILOT Agreement.** The County agrees that upon the execution of the Lakefront Hotel PILOT Agreement contemplated above, with respect to said PILOT Agreement the County will pay to the Village on or by September 30 of each calendar year an amount equal to the difference between the amount of village real property tax revenue the Village would have received that particular calendar year for the subject parcel if said PILOT Agreement was not in full force and effect and the amount of revenue the Village is to receive for that particular calendar year pursuant to said Pilot Agreement. The County agrees to make said payments to the Village for the duration that said PILOT Agreement is in full force and effect.
- 10. **Compliance with Law.** The Village covenants that it is aware of the laws governing the use of the payments provided under this Agreement, and the Village agrees to use the payments disbursed pursuant to this Agreement only in the manner so allowed.
- 11. **Notices.** (a) All notices and other communications hereunder shall be in writing and shall be deemed given when mailed by United States registered or certified mail, postage prepaid, return receipt requested, at the addresses set forth in the initial paragraph of this Contract.

(b) The County and the Village may, by notice given hereunder, designate any further or different addresses to which subsequent notices, certificates and other communications shall be sent.

Mayor Called for a roll call vote:

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

Discussion: Mayor Church asked Chairman Taylor Fitch to step forward and they signed both Resolutions together. Mayor again thanked not only Taylor Fitch and Tim Dennis but the whole County Legislature for agreeing to these and understanding the Village needed help if we were going to allow the constant development in the Village. Mayor stated this is a huge deal for both Village and County. Chairman Fitch mentioned not only was it the Village who had an unanimous vote for both of these resolutions the County Legislature also had a unanimous vote for the resolutions. It's been a long time coming for both of us and Chairman Fitch thanked the Village for their cooperation. Mayor Church explained this will be great for the waterfront development from the old Penn Yan Boat site to the bridge. New water and sewer lines will be installed. Tim Dennis also thanked the Mayor and the Board for their hard work. Former Trustee M. Christensen mentioned it was a difficult time for Mr. Fitch – this was right in the middle of an election for him.

ATTORNEY:

MOTION by Trustee Winslow, seconded by Trustee Allison to reschedule a Public Hearing on the Local Law for Water Chapter for January 17, 2014 at 6:05PM.

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

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize Resolution No 90 - 2013 Proposed Local Law to Establish New York State Tax Cap Waiver for 2014 and hold a Public Hearing for January 21, 2014 at 6:00PM.

WHEREAS, New York State has mandated a two (2%) percent tax cap for 2014 for municipal budgets; and

WHEREAS, the Village of Penn Yan does not anticipate exceeding the two percent tax cap; and

WHEREAS, the New York State Tax Cap Law is complex to follow and includes significant penalties if all rules are not followed; and

WHEREAS, a waiver of the tax cap appears appropriate for the Village of Penn Yan under the circumstances; and

WHEREAS, the Board of Trustees intends to act as “Lead Agency” with respect to SEQRA issues related to this action.

NOW THEREFORE, BE IT RESOLVED, THAT

- 1. The Board of Trustees of the Village of Penn Yan hereby determines that it is in the best interests of the residents and property owners of the Village of Penn Yan to waive the tax cap to ensure that the Village is not in violation of the tax cap law embodied in §3-c of the General Municipal Law.
- 2. The Board of Trustees designates itself as “Lead Agency: for SEQRA issues related hereto, determines that there will be no environmental impacts resulting therefrom, therefore declares this to be a “Type II” action and accordingly no environmental review will be undertaken.
- 3. That a public hearing on proposed Local Law F of 2013 is hereby scheduled for January 21, 2014 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

Atty. Brockman reviewed in full the SEQRA for Kimble Ave. (Lake Street Plaza).

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to adopt the SEQRA and to authorize the Mayor to sign the agreement along with Resolution No 100-2013 Agreement Regarding Dedication of Sewer and Water Assets in Kimble Avenue To the Village of Penn Yan.

WHEREAS, the Village has water and sewer infrastructure in Kimble Avenue; and

WHEREAS, the Lake Street Plaza owner is selling a part of the premises and wishes to dedicate privately owned water and sewer assets to the Village; and

WHEREAS, the request necessitates an agreement with that property owner and Village for upgrades in the sewer and water assets prior to dedication; and

WHEREAS, an agreement pertaining thereto has been prepared; and

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

Now Therefore, be it

RESOLVED, The Board of Trustees designates itself as lead agency for SEQRA purposes, declares this to be an “unlisted action” and therefore a Short Environmental Assessment form will be prepared.

RESOLVED, that the Mayor is authorized and directed to execute the necessary documents to effectuate the agreement.

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

Atty. Brockman explained there are new owners who have purchase property adjacent to the Village property on West Lake Road 54A. The owners are asking for permission to use part of the driveway. Atty. Brockman reviewed in full the SEQRA for West side of West Lake Road regarding Access Road to Water Tower.

MOTION by Trustee Winslow, seconded by Trustee Stewart to adopt the SEQRA and authorize Resolution No 101-2013 Regarding Easement over Access Road to Water Tower on NYS Rte. 54A and have Mayor Church execute the agreement.

WHEREAS, the Village has an access easement to property on which a water storage tank is located along NYS Rte. 54A; and

WHEREAS, an adjacent property owner has requested, upon certain terms and conditions, to use a portion of that easement for access to their property; and

WHEREAS, the request necessitates an agreement with that property owner; and

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

Now Therefore, be it

RESOLVED, The Board of Trustees designates itself as lead agency for SEQRA purposes, declares this to be an “unlisted action” and therefore a Short Environmental Assessment form will be prepared.

RESOLVED, that the Mayor is authorized and directed to execute the necessary documents to effectuate the easement agreement.

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

MOTION by Trustee Winslow, seconded by Trustee Stewart to authorize Brent Bodine to get started on the SEQRA and move forward on the infrastructure for Waterfront Development.

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

COMMUNITY REVITALIZATION:

No update

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize four (4) electric crew members attend Lineworker Safety & Training on various dates in 2014 in Bath, NY at a cost of \$1,860 per person, for a total of \$7,440.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize Adam Folts attends 3rd Year Lineworker Apprentice Training being held April 22-25, 2014 and May 20-23, 2014 in Fairport, NY at a cost of \$3,700.

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

MOTION by Trustee Allison, seconded by Trustee C. Christensen to authorize going out for bids for right-of-way tree trimming throughout the village.

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

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize the two purchase orders (#13-00343 and #13-01405) currently open with RAM Consulting be closed.

Discussion: Brent Bodine explained Bob Mathisen owner of RAM Consulting passed away this year – the business is no longer in business and the Municipal Board approved to close these two purchase orders.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the change of the EDU (Equivalent Dwelling Unit) classification from ten (10) to six (6) for the owner of 215 Main Street and provide him with a refund of past overcharges dating back to when the EDU billing system was instituted.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize twenty dollars (\$20) in sewer bill relief be granted to the homeowner at 158 Cornwell Street since it has been confirmed that water leaked from a water tank could not have entered the sanitary sewer system.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize one hundred eighteen dollars and seventy cents (\$118.70) in sewer bill relief be granted to the landlord of 111 Keuka Street since it has been confirmed that water leaked from a water tank could not have entered the sanitary sewer system.

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

MOTION by Trustee Allison, seconded by Trustee C. Christensen to authorize the inter-municipal agreement with the Town of Benton for its Water District #2 be amended to reflect a reduction of their gallons-per-day amount from 34,800 to 30,000 for an annual minimum gallon amount of 10,950,000 gallons.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the amended Consultant Agreement with Elliott Engineering Solutions for the Wastewater Treatment Plant CWSRF project.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize Mayor Church to renew the yearly agreement with Joseph Patchett for the lease of 23 acres of farm land; there will be no fee charged to Mr. Patchett this year in consideration of the quit claim of 0.068 acres of land owned by George and Loretta Patchett.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the truck #3 (water/sewer 2002 Ford F450) be declared as surplus and sold e-bay for a minimum of \$15,000.

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

MOTION by Trustee Allison, seconded by Trustee to approve the revised agreement between the Village and John W. and Lawrence B. Morse for the easement for the access road to the West Lake Road reservoir.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to approve Utility Payment Agreements in the amount of \$10,553.57

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

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		24,882.72
Electric		135,534.57
Sewer		7,453.70
Water		6,573.81
Capital Projects		
Total Paid Before Audit		\$ 174,444.80
Current Audit:		
General		\$ 94,578.50
Community Development - CRC		-
Electric		45,107.09
Sewer		300,167.21
Water		30,768.72
Capital Projects		-
Total Current Audit Items		\$ 470,621.52
TOTAL AUDIT		\$ 645,066.32

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

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 93-2013 Budget Transfers 2013-2014.

TO:

Account Id	Description	Date	Fund Totals
A -1010-4-480	Board of Trustees-Prof Fees/Publications	400	
A -7140-4-415	Parks & Recreation-Landscaping/Tree Removal	2,200	
		<u>2,600</u>	
		General	2,600
		Electric	-
		Sewer	-
		Water	-
		-	<u>2,600</u>

FROM:

Account Id	Description	Date	
A -1210-4-480	Mayor-Professional & Training	1,600	
A -1325-4-450	Treasurer-Computer Services	1,000	
		<u>2,600</u>	
		General	2,600
		Electric	-
		Sewer	-
		Water	-
			<u>2,600</u>

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

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 94-2013 Budget Transfers 2013-2014.

TO:			Fund
Account Id	Description	Date	Totals
A -3410-4-415	Fire-Health Services	675	
A -3410-4-450	Fire-Computer Services	25	
		<u>700</u>	
			General 700
			Electric -
			Sewer -
			Water -
			<u>- 700</u>
FROM:			
Account Id	Description	Date	
A -3410-4-480	Fire-Hose Testing	700	
		<u>700</u>	
			General 700
			Electric -
			Sewer -
			Water -
			<u>- 700</u>

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

MOTION by Trustee C. Christensen, seconded by Trustee Benedict to authorize Resolution No 95-2013 Budget Transfers for 2013-2014.

TO:			Fund
Account Id	Description	Date	Totals
A -5110-2-200	Street Maintenance-Equipment	1,950	
		<u>1,950</u>	
			General 1,950
			Electric -
			Sewer -
			Water -
			<u>- 1,950</u>
FROM:			
Account Id	Description	Date	
A -5110-4-410	Street Maintenance-Contractual Services	1,950	
		<u>1,950</u>	
			General 1,950
			Electric -
			Sewer -
			Water -
			<u>- 1,950</u>

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

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize Resolution No 96-2013 Budget Amendment for 2013-2014.

To spend from the cemetery permanent fund (interest only from Rice account PN-230-0000) 6,320

Increase			
Budget	A-8810-2-200	Cemetery - Equipment	6,320

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

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Resolution No 97-2013 Budget Amendment for 2013-2014.

Revenue	A-2615-00	Stop DWI Fines	9,000
Revenue	A-2665-00	Sale of Equipment	4,000
Revenue	A-2680-01	Insurance Recoveries	10,093
To be spent from police equipment reserve			<u>5,907</u>
			<u><u>29,000</u></u>
Increase			
Budget	A-3120-2-200	Police-Equipment	<u><u>29,000</u></u>

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

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize Resolution 99-2013 Budget Transfers for 2013-2014.

TO:				Fund
Account Id	Description		Date	Totals
A -3410-4-530	Fire-Fire Equipment	<u>7,200</u>		
		<u><u>7,200</u></u>		
			General	7,200
			Electric	-
			Sewer	-
			Water	-
			-	<u><u>7,200</u></u>
FROM:				
Account Id	Description		Date	
A -3410-4-411	Fire-Vehicle Repairs	<u>7,200</u>		
		<u><u>7,200</u></u>		
			General	7,200
			Electric	-
			Sewer	-
			Water	-
				<u><u>7,200</u></u>

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

PERSONNEL:

No update

PUBLIC SAFETY:

POLICE DEPARTMENT:

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to approve to proceed with the purchase of a replacement vehicle, total purchase price not to exceed \$26,000.

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

FIRE DEPARTMENT:

No Monthly or Yearly Fire Department reports

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to remove Christopher Wright from the active role effective Nov. 5, 2013.

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

MOTION by Trustee C. Christensen, seconded by Trustee Allison to authorize the purchase of 15 pagers from Mid-State Communications at a cost of \$7,238.49 including a 4 year warranty extension.

Discussion: Mayor Church explained the County is dropping the low band and we still have fireman that are using the old pagers we need to replace them.

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

CODE ENFORCEMENT:

MOTION by Trustee C. Christensen, seconded by Trustee Winslow to authorize Bruce Lyon to attend the Annual FLBOA (Finger Lakes Business Official Association) Holiday Business meeting Friday December 20, 11:30am – 2:00pm at Green Lantern Inn in Fairport.

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

PUBLIC WORKS:

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the purchase a new loader at the Caterpillar price of \$135,450 and send the current loader to the Tietsworth Auction for the guaranteed minimum price of \$133,044.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to authorize the installation of Deaf Child Area warning signs on Stark Avenue.

Discussion: Trustee Allison explained we have signs already in the Village – parents fill out an application. DPW makes the signs and review them each year. They are removed when the child turns 18 or moves.

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

MOTION by Trustee Allison, seconded by Trustee Winslow to declare PW #11 as surplus and sell for the fair market value of \$25,000.

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

Atty. Brockman reviewed in full the (SEQRA) Short Environmental Assessment Form for Village Tree Planting Project 2013-14.

MOTION by Trustee C. Christensen, seconded by Trustee Benedict to authorize the SEQRA form.

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

MOTION by Trustee Allison, seconded by Trustee C. Christensen to authorize Resolution No 98 – 2013 NY State Department of Environmental Conservation Urban and Community Forestry Grant Program.

WHEREAS, the Village of Penn Yan is applying to the New York State Department of Environmental Conservation (NYS DEC), for a grant under the Urban and Community Forestry Grant Program for forestry work within the Village of Penn Yan.

NOW THEREFORE BE IT:

RESOLVED, the Board of Trustees of the Village of Penn Yan designates itself lead agency for SEQRA purposes and This action is determined to be an “Unlisted Action” for SEQRA Purposes; and it is further

RESOLVED, that the Board of Trustees of the Village of Penn Yan, hereby does approve and endorse the application for a grant under the NYS DEC Urban and Community Forestry Grant Program for the endeavor entitled “Village of Penn Yan Tree Planting Project 2013-2014” within the Village, and that Recreation Director Daniel Doyle is authorized and directed to execute such documents as are necessary to complete that application as well as the supervision of the implementation and execution of the project.

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

PARKS & RECREATION:

MOTION by Trustee Stewart, seconded by Trustee Winslow to authorize the Mayor to sign the Deed of Gift form from the Yates County History Center which approves the Village to gift the old Keuka Lake 1 mile sign to them. It is understood if the Yates County History Center no longer has a use of the sign it will be returned to the Village.

Discussion: Trustee Stewart explained the issue for the Keuka Lake 1 mile sign was on hold from last month's board meeting. Stewart spoke with Mr. Potter at the Yates County History Center he was excited about the sign and would display it with the Steamboat exhibit. Trustee Stewart was informed there was another sign and that one is the original which is stored out at the DPW barns. Trustee Allison would like the oldest sign be placed in the Village Office and the second sign be sent to the Yates County History Center. Atty. Brockman explained this Deed of Gift document you can add anything you want to it however he feels it is not enforceable. It's a deed of ownership and once they have property they do not have to give it back. After a brief discussion it was decided to place the motion for the Keuka Lake sign on hold. Brent Bodine will bring both signs to the January's meeting.

Trustees Stewart and Winslow both withdrew their initial Motion. Mayor asked this be tabled until January's meeting. Mayor would like Atty. Brockman to type up an agreement to loan the Keuka Lake 1 mile sign to the Yates County History Center. Mayor Church asked Brent Bodine to have both signs present at January's Board meeting.

PLANNING & DEVELOPMENT:

No update

PLANNING BOARD:

COMMENTS

EXECUTIVE SESSION:

At 6:55 PM **MOTION** by Trustee Winslow, seconded by Trustee Stewart to move into Executive Session.

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

MOTION by Trustee Winslow, seconded by Trustee C. Christensen to authorize payment before audit of 50% of purchase order 14-01378 to Allstate Fencing Co. in the amount of \$3,436, with the balance to be paid upon completion of fence installation.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:19 PM **MOTION** by Trustee Winslow, seconded by Trustee C. Christensen to leave Executive Session and return to regular Village Meeting.

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

ADJOURNMENT:

At 7:20 PM **MOTION** by Trustee Winslow, seconded by Trustee C. Christensen to adjourn the regular meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: