

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, July 17, 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; Deputy Clerk/Treasurer H. Easling; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Police Chief T. Dunham; CEO B. Lyon; Fire Chief B. LaRock; Municipal Board Chairman R. French; Municipal Board member D. Banach

**ABSENT**: Clerk/Treasurer G. Meeks

News Media present: Gwen Chamberlain, Chronicle Express

**PUBLIC:**

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

Mayor MacKerchar asked for a moment of silence for two individuals, former Fire Chief Paul Kubli and former Clerk/Treasurer Joyce Benedict, both passed away in the last few weeks.

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize to have an Executive Session for legal counsel and employment record of an employee.

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

**MINUTES:**

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to approve the Village Board Minutes from June 19<sup>th</sup>, 2018.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MAYOR:**

Mayor explained there was a request for a reverse annexation by the property over by Keuka Estates. Atty. Brockman reviewed it and the method they are attempting to use does not apply in this case. Mayor stated he will set up a meeting with Genecco’s and others that are involved. Will try to have meeting set for this week or next and discuss their options and opportunities.

**MOTION** by Trustee Condella, seconded by Trustee McLoud to authorize the Mayor signs the yearly contract between the Village of Penn Yan and Youth Development for the Summer Recreation Program.

Discussion: Mayor stated this is a yearly contract with the County for our Summer Youth program. We receive \$3100.00 from them this year – it’s up \$100.00 from previous year.

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

**ATTORNEY:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 68-2018 Approval of New York Power Authority (NYPA) “Cost reimbursement Agreement”.

**WHEREAS**, the Village of Penn Yan DPW is undertaking a metering relocation and upgrade program for its electric infeed from the grid; and

**WHEREAS**, it will be necessary to acquire certain equipment and labor from the NYPA in order to complete this project; and

**WHEREAS**, the NYPA requires a “Cost Reimbursement Agreement” (CRA) with the Village in order to effectuate the relocation and upgrade program; and

**WHEREAS**, said CRA provides that the Village will reimburse the NYPA for equipment and labor in the approximate amount of \$55,000.00, in addition to addressing other aspects of the relocation and upgrade program; and

**WHEREAS**, the Municipal Utilities Board has reviewed the CRA and recommends approval thereof by the Board of Trustees of the Village of Penn Yan; and

**WHEREAS**, the Board of Trustees intends to review any SEQRA aspects of the relocation and upgrade program.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees of the Village of Penn Yan designates itself as “Lead Agency” for SEQRA purposes, determines that the relocation and upgrade program involves only replacement of existing infrastructure and involves only lands presently dedicated and used for electrical system infrastructure, therefore declares this as a “Type II” action and accordingly no environmental review will be undertaken.
2. The Board of Trustees approves the proposed CRA and authorizes and directs the Mayor to execute same upon final approval thereof as to form and content by the Mayor, Village Clerk/Treasurer, Village DPW Director and Village Attorney.
3. The Village Clerk/Treasurer is authorized to expend the funds required by the CRA, subject to appropriate audit by the Board of Trustees.

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

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to authorize Resolution No 69-2018 Proposal to adopt Regulations Concerning Canine Defecation on Public and Private Property.

**WHEREAS**, members of the public have expressed concerns that dogs are defecating on public and private property without the owner or handler of such dogs removing the defecation matter; and

**WHEREAS**, the Board of Trustees is considering adoption of Village Code regulations concerning that issue; and

**WHEREAS**, the Board of Trustees intends to address SEQRA issues related to such action.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees designates itself as “Lead Agency” for the purpose of the SEQRA determinations related to this action, determines that , since any such regulations will impact the entire geographic area of the Village, this is a Type I action and accordingly a Full Environmental Assessment Form shall be prepared and reviewed.
2. Proposed regulations be drafted for review and recommendation by the Public Safety Committee of the Village.
3. Part I of an EFAF be prepared in conjunction with the drafting of the proposed regulations.

Discussion: Atty. Brockman mentioned this was brought to his attention from a discussion at the Public Safety meeting. There have been potential confrontation issues over dogs relieving themselves on property where they shouldn't be. The recommendation is to adopt a regulation that would deal with this issue. This would start the process. We are not adopting any regulations now, but see if the Board wants to move forward on it.

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

Trustee Benedict opposes this legislation that should be common courtesy of a pet owner.

**MOTION** by Trustee Spencer, second by Trustee Benedict to authorize Resolution No 70-2018 (A) Regarding Designation of Lead Agency for SEQRA Purposes with Respect to the Village Parks and Recreation Master Plan.

**WHEREAS**, the Board of Trustees previously determined to undertake preparation of a Parks and Recreation Master Plan for the Village of Penn Yan; and

**WHEREAS**, the Village Planning Board has held a public hearing on the proposed Park and Recreation Master Plan and referred same to the Board of Trustees for further action.

**NOW THEREFORE BE IT RESOLVED That:**

1. The Board of Trustees designates itself as “Lead Agency” for this action, determined that this is a “Type I” action and therefore will undertake the review of a “Full Environmental Assessment Form” (FEAF) with respect hereto.

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

Mayor MacKerchar explained the Planning Board held a Public Hearing on July 2, 2018 and at that time they would like two things added to the Parks & Recreation Master Plan.

1. The Empire State Winery cupola restoration project sited for Indian Pines Park. We think it would be classified as a small-scale project that would be privately, and/or grant funded with a cost estimate of \$75,000.00.

This would be classified as a small project and be privately, and/or grant funded.

2. A factual correction: Page 10 under the heading OTHER PARK FACILITIES Yates Community Center: “The Yates Community Center is County-operated.”

This needs to be a correction only – was original put in as The Yates Community Center is County-operated. Needs to be changed to is not county-operated.

**MOTION** by Trustee Spencer, second by Trustee Hoban to authorize the recommendations be added and changed to the Parks & Recreation Master Plan.

Discussion: Brent mentioned if the Board agrees he will work with Design Connect to get this updated. Mayor explained we want this in there and will have under the small projects. There is a committee already set up to take private and or grant funded donations. It has not been determined where it will be placed after the cupola is restored. Atty. Brockman asked if he could get the updated document timely, will need to have the Village Board review it before the Public Hearing in August. Mayor added the small scale projects are projects that are and can be in house or private contributions. After a discussion it was decided and agreed to change the wording for the cupola. Empire State Winery, cupola restoration project classified as a small scale project that would be privately and or grant funded.

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to amend the Parks & Recreation Master Plan motion as Empire State Winery, cupola restoration project classified as a small scale project that would be privately and or grant funded.

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

Atty. Brockman reviewed in full the SEQRA Adoption of the Village of Penn Yan 2018 (Part 2 and 3)

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 71-2018 (B) Proposed Parks and Recreation Master Plan (P& RMP) Adoption of Full Environmental Assessment Form (FEAF) and GML§239-m Referral to County Planning Board and set a Public Hearing for August 21, 2018 at 6:05 PM.

**WHEREAS**, the Village of Penn Yan is undertaking the adoption of a Parks and Recreation Master Plan for the Village of Penn Yan; and

**WHEREAS**, the Board of Trustees of the Village of Penn Yan was previously designated as “Lead Agency” for SEQRA purposes for the adoption of the Parks and Recreation Master Plan, the action was determined to be a “Type I” and accordingly an FEAF has been prepared.

**NOW THEREFORE BE IT RESOLVED:**

1. The FEAF is adopted.
2. The proposed Parks and Recreation Plan is referred to the Yates County Planning Board, together with the FEAF pursuant to GML 239-m.
3. A public hearing with respect hereto is scheduled for August 21, 2018 at 6:05 p.m. and that requisite notice thereof be made by legal counsel.

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

Nays 0                  Abstain 0                  Absent 0

**COMMUNITY REVITALIZATION:**

Mayor mentioned we did receive satisfactory communication from SHIPO they are aware and have seen the plans for the front doors for the Sampson Theatre.

**MUNICIPAL:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize the purchase of a 2019 F250 4WD Regular Cab Pickup for \$28,646.62 from NYE Automotive Group under OGS (Other Government Service) contract #PC67318. This is a replacement for Truck 7.

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

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to grant sewer forgiveness in the amount of \$34.13 to Onalee Gillette, 109 Young Street.

**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 authorize to increase EDU assignment for Keuka Estates account from 35 back to 61.

Discussion: Mayor MacKerchar at this time asked to table this motion for now. Will be having conversation with the owner of Keuka Estates about the future development.

**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 table for now the motion to increase EDU assignment for Keuka Estates account from 35 back to 61.

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

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to approve Utility Payment Agreements in the amount of \$7,291.06

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

Brent Bodine mentioned Bell Construction will start work on the Sheppard Street, Johnson and Myrtle Ave. project on Monday July 23.

Brent Bodine stated we received a letter from Jerusalem Water/Sewer Chairman Ray Stewart thanking the Village's Water/Sewer Crew (Jeff, Chad and Shawn) for help on July 5 at Keuka Lake State Park. They had a major water main failure and were unable to secure one of their usual contractors with the job. They did a fantastic job.

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		85,624.58
Electric		171,638.08
Sewer		9,063.52
Water		7,439.96
Capital Projects		
<b>Total Paid Before Audit</b>		<b>\$ 273,766.14</b>
<b>Current Audit:</b>		
General	\$	53,435.03
Community Development - CRC		-
Electric		19,178.54
Sewer		86,855.86
Water		17,784.85
Capital Projects		39,845.83
<b>Total Current Audit Items</b>		<b>\$ 217,100.11</b>
<b>TOTAL AUDIT</b>		<b>\$ 490,866.25</b>

**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 Sheppard Street, Johnson and Myrtle Ave. Water Main replacement- CDBG project #895PW158-16 Warrant for \$913.66

**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 65-2018 Budget Transfers of \$2,434.45 for 2018-2019 Fiscal Year. (transfer across insurance accounts in general, sewer and water funds to general property insurance premiums that were higher)

<b>TO:</b>				<b>Fund Totals</b>
<b>Account Id</b>	<b>Description</b>	<b>Date</b>		<b>Totals</b>
A -1620-4-430	Village Facilities-Insurance	41.49		
A -1621-4-430	Buildings & Grounds-Insurance	266.38		
A -1622-4-430	Firehouse-Insurance	79.30		
A -3120-4-430	Police-Insurance	5.73		
A -3410-4-430	Fire-Insurance	1,459.17		
ES-8110-4-430	Administration-Insurance	25.03		
ES-8130-4-430	Sewage Treatment-Insurance	365.08		
EW-8310-4-430	Administration-Insurance	29.44		
EW-8320-4-430	Pumping & Purification-Insurance	<u>162.83</u>		
		<u>2,434.45</u>		
			<b>General</b>	<b>1,852.07</b>
			<b>Electric</b>	<b>-</b>
			<b>Sewer</b>	<b>390.11</b>
			<b>Water</b>	<b><u>192.27</u></b>
			-	<b><u>2,434.45</u></b>
<b>FROM:</b>				
<b>Account Id</b>	<b>Description</b>	<b>Date</b>		
A -1325-4-470	Treasurer-Audit Fees	1,371.07		
A -1610-4-430	General Admin-Insurance	481.00		

ES-8110-4-500	Administration-Supplies & Materials	25.03		
ES-8130-4-500	Sewage Treatment-Supplies & Materials	365.08		
EW-8310-4-500	Administration-Supplies & Materials	29.44		
EW-8320-4-500	Pumping & Purification-Supplies & Materials	<u>162.83</u>		
		<u>2,434.45</u>		
			<b>General</b>	<b>1,852.07</b>
			<b>Electric</b>	<b>-</b>
			<b>Sewer</b>	<b>390.11</b>
			<b>Water</b>	<b><u>192.27</u></b>
				<b><u>2,434.45</u></b>

Budget transfers across insurance accounts in general, sewer, and water funds to account for general property insurance premiums that were 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 Spencer to authorize Resolution No 66-2018 Budget Transfers of \$900.00 for 2018-2019 Fiscal Year. (transfer within Police accounts cover higher than budgeted costs providing internet for police cars, taken from equipment costs)

<b>TO:</b>				
<b>Account Id</b>	<b>Description</b>	<b>Date</b>		<b>Fund Totals</b>
A -3120-4-420	Police-Phone/Internet/Utilities	<u>900</u>		
		<u>900</u>		
			<b>General</b>	<b>900</b>
			<b>Electric</b>	<b>-</b>
			<b>Sewer</b>	<b>-</b>
			<b>Water</b>	<b>-</b>
				<b><u>900</u></b>
<b>FROM:</b>				
<b>Account Id</b>	<b>Description</b>	<b>Date</b>		
A -3120-2-200	Police-Equipment	<u>900</u>		
		<u>900</u>		
			<b>General</b>	<b>900</b>
			<b>Electric</b>	<b>-</b>
			<b>Sewer</b>	<b>-</b>
			<b>Water</b>	<b>-</b>
				<b><u>900</u></b>

Budget transfer within Police accounts to cover higher than budgeted costs for providing internet service for police cars, with budget being taken from equipment costs, as the low bid cost for the new vehicle budgeted came in lower than anticipated.

**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 67-2018 Budget Transfers of \$14,000 for 2018-2019 Fiscal Year. (Budget transfer with Streets capital accounts cover cost of curbing for Charles Hermann Way)

**TO:** **Fund**

<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Totals</b>
H-5110-2-270	Curbing and Fabric	<u>14,000</u>	
		<u>14,000</u>	
		<b>General</b>	-
		<b>Electric</b>	-
		<b>Sewer</b>	-
		<b>Water</b>	-
		<b>Capital</b>	<u>14,000</u>
		-	<u>14,000</u>
<b>FROM:</b>			
<b>Account Id</b>	<b>Description</b>	<b>Date</b>	
H-5110-2-210	Asphalt Concrete - Capital	<u>14,000</u>	
		<u>14,000</u>	
		<b>General</b>	-
		<b>Electric</b>	-
		<b>Sewer</b>	-
		<b>Water</b>	-
		<b>Capital</b>	<u>14,000</u>
			<u>14,000</u>

Budget transfer within Streets capital accounts to cover the cost of curbing for Charles Hermann Way.

**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 accept George Sifo resignation as WTP Operator Trainee effective July 11, 2018.

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

Trustee Benedict mentioned the BAN Renewal sale on July 12, 2018 was awarded to Oppenheimer, Co. for interest rate of 2.2416%

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for June

**FIRE DEPARTMENT:**

Chief’s Report for June

FYI – Update listing for Firemen’s field. Trustee Condella mentioned Jim Folts from the Fair Grounds Committee will be meeting with Ed Helinski from FLX Events to see if the September 15 Tunes Brews and BBQ can be held there instead of the Firemen’s Field.

**CODE ENFORCEMENT:**

**MOTION** by Trustee Condella, seconded by Trustee McLoud to hire someone to mow Village resident’s lawns, if they have not been mowed within the appropriate time limit. The cost of mowing plus 10% will be placed on the Village taxes the following year (2019) if they are not paid after invoice is sent out.

Vacant lot – South Ave.

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

Bruce mentioned he has been working on the monthly report-will have it ready and send out to the board. Will have one ready for next month's meeting.

**PUBLIC WORKS:**

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to keep the sidewalk improvement program cost at \$6.00 per square foot for the 2018-2019 season. No change from last year.

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

**PLANNING & DEVELOPMENT:**

Trustee Stewart mentioned they are working on a way to notify the Public where there is a Zoning various. He will have wording and pictures and a proposal for next's month meeting

**PLANNING BOARD:**

No update

**COMMENTS**

Trustee Hoban would like to thank two of our local waste management business's Cardinal and Casella. They have done a great job picking up the slack from the last few weeks when another waste management went out of business suddenly. The Village looks good.

**EXECUTIVE SESSION:**

At 6:48 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to enter into Executive Session. Mayor asked the following to attend Executive Session Holly Easling, Rom French, Dan Banach, Brent Bodine and Bill Jensen.

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

Mayor excused Bill Jensen at 7:30PM

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:50 PM, **MOTION** by Trustee McLoud, seconded by Trustee Hoban 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 7:51 PM, **MOTION** by Trustee Benedict, seconded by Trustee Condella to adjourn the regular Village Board meeting.

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

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**