

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, September 18, 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; Director of Public Works B. Bodine; Police Chief T. Dunham; Fire Chief B. LaRock; R. French Chairman Municipal Board

**ABSENT**: CEO B. Lyon

News Media present: Gwen Chamberlain, Chronicle Express

**PUBLIC**: Mark Morris

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

Mayor MacKerchar asked for a moment of Silence for Cliff Orr who passed away this past weekend. Cliff was the Chairman for the Planning Board. He has served on the board for 21 years and a member of the Lions Club. Cliff did a lot for the community he will be missed.

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize to have an Executive Session for medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation.

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

**MINUTES:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to approve the Village Board Minutes from August 21, 2018.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

Mark Morris from the Keuka Lake Association discussed 9E (9-Element Plan) and HABs algae blooms. The 9E Plan is a clean water plan to address the concerns and find out what has contributed to it and identify the problem and find ways to protect the lake water. Mark mentioned the Village has had to close their beaches three weeks this summer due to the algae blooms. 1996 was the last time there was a Watershed Management plan for Keuka Lake. The State requires we put together an updated 9-Element Plan. Look at the causes and sources of the pollution that is running into the water body. The State put together a restoration and protection strategy to fix the problem. The DEC needs to approve the Plan. Mark explained this is the only way we will get DEC or EPA money. Mark stated we want to try to get a grant for the \$360,000 for the project. They have asked others to help chip in the following had allocated \$5,000 (KLA, Seneca Lake, KWIC). Mark stated we are getting a Core Team together to start the process in hopes to receive some money. Seneca Lake has around 100 on their team. We have two DEC people working with Dresden and Keuka Lake on this. First will explain to the public what is going on with the HAB's. Will need to start to monitor the shore lines and intakes to the lake. In the future will take samples of the shore lines and the inlets. Seneca Lake is several years ahead of us. Trustee Benedict asked if you get the grant will it be a plan written for Keuka and Seneca Lakes. Yes It will take us three years to get a plan together that will give us the causes; we have to go for another series of grants to solve the causes. Mayor stated we will look at the lake regarding run offs, septic tanks and agricultural which has been around a long time around the lake. Mark stated if we want money from the government this is what we have to do. Trustee Condella stated Hobart & William Smith College has a lab on Seneca Lake looking into this issue.

**MAYOR:**

Mayor mentioned Willie Allison wanted to thank Senator O'Mara's office, Emergency Director Brian Winslow and Chief LaRock for their efforts in helping to secure a grant for \$250,000 to help purchase a new fire truck for the Penn Yan Fire Department. A big Thank you to all of you.

Mayor MacKerchar has a request that did not make the agenda for Homecoming for Saturday October 6, 2018.

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize the Annual Homecoming Parade for Saturday October 6, 2018. Starting at 11:00 AM from the Academy down Keuka Street to Chapel and up Liberty Street to the tennis court parking lot.

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

**ATTORNEY:**

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 80-2018 Adopting Parks and Recreation Master Plan.

**WHEREAS**, the Board of Trustees of the Village of Penn Yan has considered a proposed Parks and Recreation Master Plan for the Village of Penn Yan; and

**WHEREAS**, the Board of Trustees has previously designated itself as “Lead Agency” for this action, declared the action as a “Type I”, completed an FEAF, held a public hearing thereon and referred same to the County Planning Board, more than thirty (30) days prior hereto and no objection having been received.

**NOW THEREFORE, BE IT RESOLVED THAT,**

1. The 2018 Parks and Recreation Master Plan for the Village of Penn Yan be, and hereby is, adopted as of the date of this Resolution.

2. The Village Clerk, through the Village Attorney, shall provide for the requisite filings and notices with respect to such adoption.

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

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to authorize Resolution No 81-2018 Proposed Adoption of Notice Requirement for ZBA Hearings and set a Public Hearing for October 16<sup>th</sup> at 6:05 PM.

**WHEREAS**, the Village of Penn Yan has a Zoning Board of Appeals which hears variance applications; and

**WHEREAS**, the Planning and Development Committee has recommended an amendment to the section of the Zoning Chapter which provides for Notice of Public Hearings for variances such that there will be posted and published notices, along with signs placed on the subject property; and

**WHEREAS**, a proposed Local Law has been drafted with respect thereto 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; determines that there will be no detrimental environmental impacts by this action; declares this to be a Type II action and accordingly no environmental review will be undertaken; and be it further

**RESOLVED**, that no GML §239-m referral is necessary since this local law addresses a procedural matters only; and be it further

**RESOLVED**, that a public hearing on the proposed Local Law is hereby scheduled for October 16, 2018 at 6:05 p.m. in the Village Office and that due notice thereof be made

Discussion: Atty. Brockman mentioned we will not be doing a SEQRA. The Committee before only had to place this in the Public Notice, the committee wanted to do more. They would like to place a sign in the yard of the property who is asking for the variance with the address and phone number to call with questions.

**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 82-2018 Proposed Local Law Amending the Code of the Village of Penn Yan by Providing An Appeal Process for the Historic Preservation Commission and set a Public Hearing for October 16, 2018 at 6:10PM.

**WHEREAS**, the Board of Trustees of the Village of Penn Yan deems it appropriate to consider a Local Law amending the Preservation of Historic Areas Chapter of the Village Code by amending the appeal process of the Historic Preservation Commission of the Village of Penn Yan; and

**WHEREAS**, a proposed Local Law with respect thereto has been prepared and circulated to the Board of Trustees; 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**, it appears that there will be no environmental impact by the adoption of such a Local Law, such adoption may accordingly be deemed a “Type II” Action pursuant to SEQRA and therefore no environmental review will be undertaken.

**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 determines that the adoption of such a local law is a “Type II” Action under SEQRA and therefore no environmental review will be undertaken; and be it further

**RESOLVED**, that this matter is an amendment to administrative procedure and therefore there is no need for a GML 239-m referral to the Yates County Planning Board for its review and action.

**RESOLVED**, that a public hearing on proposed Local Law G of 2018 is hereby scheduled for October 16, 2018 at 6:10 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

**COMMUNITY REVITALIZATION:**

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to authorize for a Façade Improvement application from Milly’s Pantry, Inc., for a loan/grant of \$16,592; 50% (\$8,296) to be a grant and 50% (\$8,296) to be a loan, which will be paid off at time of closing, project is for masonry work; repair damaged, loose, and missing bricks on both front and rear of building; paint front and rear of building, and install a new gutter system with downspouts. Committee makes recommendation to Milly’s Pantry that the fire escape should be done in conjunction with this project. Quotes submitted from Griffin Construction of NYS Inc. (\$41,300, inc. fire escape) and Kuehne Construction (\$36,229.10, without fire escape), they have choice of contractor since the amounts are for a larger amount than the funds approved for.

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

**MUNICIPAL:**

**MOTION** by Trustee McLoud, seconded Trustee Benedict to set a Public Hearing for October 16, 2018 at 6:15 p.m. for the purpose of hearing public comments on the Village of Penn Yan’s CDBG project: CDBG#895PW35-14 Seneca St Water Main.

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

**MOTION** by Trustee McLoud, seconded by Trustee Condella to set a Public Hearing for October 16, 2018 at 6:20 p.m. for the purpose of hearing public comments on the Village of Penn Yan’s CDBG project: CDBG#895PW158-16 Sheppard St, Johnson & Myrtle Ave Water Main.

Discussion: Brent Bodine explained for the grants we are required to have Public Hearings.

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

**MOTION** by Trustee McLoud, seconded by Trustee Condella to issue a Notice of Award to All American Fence for installation of a fence around the trash enclosure located at Basin Street parking lot in the amount of \$7,239.19 and installation of a fence at Ryder Substation in the amount of \$6,882.75; for a total amount of \$14,121.94

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

Nays 0 Abstain 0 Absent

**MOTION** by Trustee McCloud, seconded by Trustee Condella to allow one additional employee to attend the MEUA 2018 Accounting & Finance Workshop to be held on Wednesday, October 10<sup>th</sup> & Thursday, October 11<sup>th</sup> at the Embassy Suites by Hilton Syracuse Destiny USA at no cost to the Village

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

**MOTION** by Trustee McCloud, seconded by Trustee Spencer to declare Car 2 (water/sewer Department) as surplus and sell at fair market value

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

**MOTION** by Trustee McCloud, seconded by Trustee Benedict to allow Charlie Bush, Mike Mullins, Clifton Chase, Dave Cohick, Margarita Morehouse and Crystal Bailey to attend Excel Basics training on October 18<sup>th</sup> at the Radisson Hotel Airport in Rochester at a cost of \$74 each

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

**MOTION** by Trustee McCloud, seconded by Trustee Condella to allow Bill Wigsten to attend Excel Basics training on October 11<sup>th</sup> at the Crown Plaza Hotel in Syracuse at a cost of \$79

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

**MOTION** by Trustee McCloud, seconded by Trustee Hoban to authorize the Mayor to sign the ReLTEK Standard License Agreement for Underground Water Pipe having to do with the railroad located on the south side of East Elm St. in the Village of Penn Yan

Discussion: Brent explained they waived the \$800 application fee and \$1800 processing fee.

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

**MOTION** by Trustee McCloud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$6,077.73

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

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		29,313.25
Electric		213,150.87
Sewer		8,705.62
Water		7,572.87
Capital Projects		
<b>Total Paid Before Audit</b>		<b>\$ 258,742.61</b>
<b>Current Audit:</b>		
General	\$	206,697.97
Community Development - CRC		-
Electric		71,862.52
Sewer		65,272.43
Water		68,190.81
Capital Projects		50,193.59
<b>Total Current Audit Items</b>		<b>\$ 462,217.32</b>
<b>TOTAL AUDIT</b>		<b>\$ 720,959.93</b>

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

**MOTION** by Trustee Benedict, seconded by Trustee Stewart to authorize Sheppard Street, Johnson and Myrtle Ave. Water Main replacement- CDBG project #895PW158-16 Warrant for \$128,182.12.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize the scheduling of a Special Board meeting on Thursday October 18, 2018 at 10:00AM to conduct the Audit Exit Conference covering financials for the fiscal year ending May 31, 2018.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to promote Officer Bradley Cole to Sergeant Group 2-Step 8 \$32.82 hr. effective September 19, 2018. There will be a 12 week probationary period.

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to appoint Corey Grace as a full time Police Officer (pending successful completion of FTO) Group 1 Step 1 \$24.72 hr., effective September 19, 2018. There will be a 1 year probationary period.

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

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for August

**FIRE DEPARTMENT:**

Chief's Report for August

Trustee Condella reviewed the updated events for the Firemen's Field

Trustee Condella mentioned the LOSAP Audit has been completed for the 2<sup>nd</sup> quarter

Chief LaRock mentioned the annual Penn Yan Fire Department inspection is Tuesday, October 10, 2018 at 7:00PM. All are invited

**CODE ENFORCEMENT:**

Monthly activity report for August

**PUBLIC WORKS:**

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to authorize Erik Decker to attend Excel Basics training on October 18<sup>th</sup> at the Radisson Hotel Airport in Rochester at a cost of \$74.00.

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

**MOTION** by Trustee McLoud, seconded by Trustee Hoban to authorize the Yates County Out of the Darkness Community Walk event to use Lake St. Park on September 30, 2018 and waive the fee of \$50 Resident/\$100 Non-Resident for the pavilion.

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

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to authorize the Child and Family Resource Center to use Red Jacket Park pavilion on September 28, 2018 and waive the fee of \$125 for Residents/\$250 for Non-Resident for the pavilion.

**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 a History Walk through the cemetery between October 15-17, 2018 held by Ann Paige. This is a joint historical project with the PYA and PYMS in lieu of the Mole Race which has been done in past years.

Discussion: Holly Easling explained this is replacing the MOLE race and Ann Paige is still working out the date and details. Dan Doyle has been in touch with her. Mayor wondering if public is invited.

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

**PLANNING & DEVELOPMENT:**

Trustee Stewart stated Atty. Brockman came to the meeting and reviewed the proposed Local Laws to the Committee.

**COMMENTS**

Brent Bodine updating everyone they will be starting paving in the Village tomorrow on the Streets that have been milled. The rail road crossing at Sheppard St. the rails and beds are in should have this back together shortly. All the mains are in for Sheppard St., Johnson and Myrtle Ave. next will do the pressure testing for the mains. Then start to hook up to households. They are 2 weeks behind but still have time to finish on time. Brent explained the bridge behind Birkett Mills will be set next Thursday. It will be put together in two sections. Stop down and watch and take pictures. Should be exciting to watch.

**EXECUTIVE SESSION:**

At 6:35 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to enter into Executive Session. Mayor asked Chief Dunham to attend.

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

At 6:55PM Mayor excused Chief Dunham from executive session.

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:06 PM, **MOTION** by Trustee Benedict, seconded by Mayor MacKerchar 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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to approve the permanent appointment of Thomas Dunham as Police Chief and authorize an increase in salary to an annual amount of \$79,855 both effective 9/19/2018.

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

**ADJOURNMENT:**

At 7:08PM, **MOTION** by Trustee Benedict, seconded by Trustee McLoud 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:**