

MINUTES of a Special Meeting of the Village Board of Trustees held Friday, September 4, 2020 at 2:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor L MacKerchar; Trustees; D. Condella; T Hoban; R. Spencer; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks

ABSENT: Trustee McLoud; C. Benedict; Deputy Clerk/Treasurer H. Easling; Director of Public Works T. Schwartz; Deputy Director of Public Works TBD; Police Chief T. Dunham; CEO B. Lyon & J. Kincaid; Fire Chief F. Ellis

News Media present: **None**

PUBLIC: None

Mayor MacKerchar called the Special Village Board meeting to order at 2:00 PM

Mayor opened the meeting explaining this is a special meeting of the Village Board for an appeal to a FOIL response by Bob Hawley on August 28, 2020. On August 19, 2020 his initial request stated “under the FOIL laws of New York state any documents that prove that a public hearing was held and that the Penn Yan Village Board approved the purchase of the McDonalds property.” Village Clerk sent Mr. Hawley a response explaining there was no purchase of any land from McDonalds by the Village. The board had a copy of all the FOIL requests, minutes and Resolutions from our Village Board meeting from November 18, 2018. These minutes addressed the gift of the property from McDonalds to the Village. Atty. reminded the Board those minutes are on line. Deeds were drafted by McDonalds corporate office in Chicago. Atty. explained the fee of \$10.00 was to have the map filed to the County Clerk no money went to McDonalds. McDonalds received no money. There were other fees to pay to the County Clerk for the deed, affidavit and filing fee for transfer report. All funds go to the County Clerk and is funneled to the state.

After the discussion the Board made the Motion to deny the appeal.

MOTION by Trustee Condella, seconded by Trustee Stewart to deny the FOIL appeal request for Bob Hawley. For minutes of any public hearing and minutes of any Village Board meeting that approved the Village's purchase of land from McDonalds, the village claims there was no purchase but page 1 of the Quitclaim deed states the property was sold for \$10 and other valuable considerations.

Mayor asked for a roll call vote

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Absent	Mr. Condella	Yes
Mr. McLoud	Absent	Mr. Stewart	Yes	Dr. Hoban	Yes
Motion Carried					

Atty. Brockman reminded the Board when you responded to a FOIL your response is to be exactly what was asked in the initial request nothing more. Atty. Brockman will draft a response to Mr. Hawley and send to the clerk to type and send to him.

Mayor asked if there was any other Village Business to discuss.

Trustee Stewart questioned about Halloween – it is on a Saturday this year. Mayor mention will have to discuss this still have time before October 31.

Comments:

ADJOURNMENT:

At 2:17 PM **MOTION** by Trustee Hoban, seconded by Trustee Condella to adjourn the Special Village Board meeting.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Absent	Mr. Condella	Yes
Mr. McLoud	Absent	Mr. Stewart	Yes	Dr. Hoban	Yes
Motion Carried					

Mary Ann Martin, Deputy Clerk