

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, July 21, 2020 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; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Trustee; Deputy Clerk/Treasurer H. Easling; Director of Public Works T. Schwartz; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis
At 6:31 PM Trustee K. McLoud logged in on meeting.

ABSENT: Deputy Dir. Of Public Works TBD;

News Media present:

PUBLIC: Carlie Chilson, Chandra

At 6:00 PM, Mayor MacKerchar called the Village Board meeting to order.
Mayor – Thank you – welcome we are Zooming the Board meeting as you know. Not only do we have minutes, Mary Ann has to transcribe them word for word. I believe she left out some m and o's. I thank you for that Mary Ann. We will try to be concise as possible. We have a Public Hearing scheduled. First off is six O'clock is the Local Law F 2020 Amending Chapter 174 of the Village Code regarding Streets and Sidewalks. Do I have a Motion to open the Public Hearing?

6:00PM PUBLIC HEARING – Local Law C 2020 Streets and Sidewalks

Trustee Condella – I'll move

Mayor – Motion Mr. Condella, do I have a second

Trustee Hoban – I'll second

Mayor – Second Dr. Hoban,

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

Mayor- Does anyone wish to comment at this time regarding the amendment to Chapter 174.

Carlie Chilson – So I have a question, Leigh. Is it just in regards to making them handicap accessibility?

Mayor – No there's different changes that involve the Local Law 174 before we have now, basically it's clarifying some issues on property owners sidewalks, repairs and replacement by Village, basically, housekeeping that about covers it Mr. Brockman.

Atty. Brockman – It does Mayor

Carlie- Thank you

Mayor – Any other questions concerns or comments regarding Amendment 174

At 6:03PM Trustee Hoban – I have to step out for a second Leigh, I'll be right back.

At 6:03PM Mayor – Okay Now I believe we can now have a Motion to close the Public Hearing and move on if you so desire. Motion to close the Public Hearing

Trustee Benedict -I'll make that Motion to close the Public Hearing

Trustee Condella- second

Mayor – Motion by Mrs. Benedict, seconded by Mr. Condella

Mayor asked for a Roll Call Vote

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

Mayor – On that note we have a Resolution No 44-2020 Amending Chapter 174, which you all have in your packet. That covers the changes and clarification as we discussed in committee and hear in the Public Hearing. Do we have a Motion for the Resolution?

Trustee Benedict- I'll make that Motion

Trustee Stewart- I'll second it

Mayor – Motion Mrs. Benedict, second Mr. Stewart any discussion

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this action; and

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan on said proposed Local Law on July 21, 2020.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law.
2. The Deputy Clerk is directed, through the Village's legal counsel, to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such Local Law together with such other acts that are customarily associated with the adoption and implementation of a Local Law, including the entry thereof in the minutes of the Village

Board Meeting.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Absent	Mr. Stewart	Yes	Dr. Hoban	Absent

Motion Carried

At 6:05PM Trustee Hoban returned to the Board meeting streamed using Zoom

6:05 PM PUBLIC HEARING - Repeal Tax Cap Override Local Law G 2020

Mayor – We have another Public Hearing for 6:05PM which it is right now. This deals with the Repealing of Tax Cap Override Law. We have had a procedural glitch with the Public publication, so it’s taken us a while. We did make it under the Tax Cap with the Budget. Thanks, you guys very much once again. I’ll if I can get a Motion to open the Public Hearing Repeal, we will do that.

At 6:05 PM Trustee Spencer- I’ll make that Motion

Trustee Condella – I’ll second

Mayor – Motion Mr. Spencer, second Mr. Condella

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Absent	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

Mayor – Public Hearing is now open is there anyone that wishes to speak about the Repeal of the Tax Cap Override Law.

Carlie – I basically have one question as far as it goes with the impact that COVID has on our budget. Do you have any direction in regards to how that will impact Village and taxes in the future?

Mayor – At this time, there are a lot of unknowns and variables. We are looking at the possible impact some were around \$100,000 if the aid we anticipated is reduced but, we have nothing concrete on that. We’re not I’m not saying it’s not impacting us. I’m saying we are not been acted as the school and other government entities, we have not relied on State funding for too many things.

Carlie – Okay

Mayor – There is an impact

Carlie – Thank you. So right now, it’s just putting a cap on the taxes that your allowed to collect – correct

Mayor – No what this is doing Carlie it’s something we do every year in the budget preparation as you know you have to get your budget under a Tax Cap. It started out at 2% now it’s 1.4 or whatever they come up that year with the inflation and we do it as a matter of the budget process. If we can’t make the budget under the Tax Cap, we have this law in place to override the Tax Cap which we did. Our budget came under the Tax Cap so there is no need for the override so we are repealing the override that Tax Cap.

Carlie- Thank you for explaining

Mayor – Your Welcome any other questions comments about the repeal of the Tax Cap Override Law, if not I’ll entertain a Motion to close the Public Hearing.

AT 6:09PM Trustee Benedict- I’ll make that Motion

Trustee Stewart – I’ll second it

Mayor – Motion Mrs. Benedict, seconded Mr. Stewart if no discussion

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Absent	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

Mayor – Now with the Public Hearing being closed we can entertain a Motion of the authorization Resolution No 45-2020 to adopt the Repeal of tax Cap Override Law.

Trustee Benedict- I’ll make that motion

Trustee Hoban – I’ll second it

Mayor – Motion made by Mrs. Benedict, second Dr. Hoban

WHEREAS, a proposed Local Law has been drafted and circulated to the Board of Trustees with respect to this matter; and

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

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan on said proposed local law on July 21, 2020.

NOW THEREFORE BE IT RESOLVED, THAT

1. 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.
2. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law.

3. The Deputy Clerk is directed, through the Village’s legal counsel, to file such Local Law with the Secretary of State of the State of New York and provide for the requisite publication and posting of the Notice of Adoption of such Local Law together with such other acts that are customarily associated with the adoption and implementation of a Local Law, including the entry thereof in the minutes of the Village Board Meeting.

Trustee Stewart – What happens if we don’t do this – if we don’t approve this.

Mayor – Well we still will have a law on the books that will allow us to go over the Tax Cap, which we don’t do.

Trustee Stewart – Can we save it for next year.

Mayor – We do it every year, it’s a function of the budget process.

Trustee Stewart – Okay

Atty. Brockman – It’s a good idea Rich but the State won’t let us use it again next year.

Mayor – No it has to be done every year unfortunately.

Atty. – I like Rich’s logic though

Mayor – Any other discussion, comments

Mayor asked for a Roll Call Vote

Mr. Spencer Yes Mrs. Benedict Yes Mr. Condella Yes

Mr. McCloud Absent Mr. Stewart Yes Dr. Hoban Yes

Motion Carried

CALL FOR EXECUTIVE SESSION:

Mayor – Now down to Executive Session. I believe there is a need at the end of this meeting for a Closed Session the Executive Session for Legal Counsel

Trustee Spencer – Need a Motion to go into Executive Session

Mayor – Yes

Trustee Spencer – I’ll make that Motion

Trustee Condella – Motion Mr. Spencer, second Mr. Condella

Mayor asked for a Roll Call Vote

Mr. Spencer Yes Mrs. Benedict Yes Mr. Condella Yes

Mr. McCloud Absent Mr. Stewart Yes Dr. Hoban Yes

Motion Carried

Atty. – Clarification for Mary Ann for the minutes that it would not be Executive Session it would be a close session to confirm with legal Counsel.

Mayor – Yes Thank you

Village Clerk – Yes, I will speak with the Attorney in the AM.

Mayor – Minutes we have minutes from our June 16 Board meeting, we have all looked them over. Any changes or corrections, comments about the minutes if not I’ll entertain a motion to approve the minutes.

Trustee Stewart – I’ll move to approve the minutes of the last meeting.

Mayor – Thank you Rich

Trustee Spencer – Second it

Mayor - Motion made by Mr. Stewart, seconded by Mr. Spencer any other discussion.

Mayor asked for a Roll Call Vote

Mr. Spencer Yes Mrs. Benedict Yes Mr. Condella Yes

Mr. McCloud Absent Mr. Stewart Yes Dr. Hoban Yes

Motion Carried

GUESTS, PUBLIC REQUEST & COMMENTS:

Mayor – Public Request and Comments is there anyone who wishes to speak to the Board.

Carlie – Yes so, I was talking with Dan earlier. I’ll be giving Mary Ann a call in the morning to set up a time to get on the Public Safety meeting list. Right now, we are looking at as a Legislator were looking at putting into a code. Sorry my mind was just on something else. Looking at getting together a code to prevent marijuana shops being set up in the pathway of our kids. So, it’s not a matter of when it’s going to come, but if it’s going to come; and sorry not if it’s going to come but when it’s going to come and looking to prevent that from being set up high school and places were children would have access. So, Dan Long is actually working on that right now with Nonie and will be getting in contact with the each of the municipals. So, expect that to come down. So, it’s to find a place, where they can set up instead of, them just have free reign to set up where they want to.

Trustee Condella- Should that be Public Safety or a different. I didn’t know what.

Mayor – That would be a good to start. Felt like it should be Zoning.

Atty. - I would suggest go the Planning & Development.

Trustee Condella – Planning & Development good

Mayor - Yes

Trustee Condella – Okay

Carlie – I’ll give Mary Ann a call and she can fill me in what to do.

Mayor – It would be great if the County could come up with the standardize verbiage.

Carlie – Yes there working in that. I sent them information, my stack of things that have passed in other places. So, they have some type of protocol to go buy.

Mayor – Very good

Carlie- I think Dan will be working on the standardize of it.

Atty.- Probably will end up either having restricted within a certain radius to any school or being restricted to certain zoning districts. I think the radius will be the most acceptable legally.

Trustee Benedict- I hope the Public Library would be included with that along with schools.

Atty. – Anything that seems reasonable. Any places where kids would likely to congregate.

Carlie- Playgrounds

Bruce – Similar as to the Adult entertainment law of Zoning.

Atty.- Very similar to that correct

Carlie – Right now the County has the opportunity to just not to have the availability of being sold in our County. That is at this point. So, he may change that and just increase that changes we need to have something in place to protect our kids. Those that are ?? because it's just not marijuana, but they have things like soda pops, that have marijuana oil and things that attract to our kids like crush soda pop and things that are very attracted to the e-cigarettes and so we want to prevent that from happening and having our kids accessible to these. High traffic area. So, the way I understand it we have to have the ability to have them to have access to set up in our County. If that doesn't go through the original plan, we want to put a zone in place where we limit the availability.

Atty. – Chief do you have and input on that. I know he's listening.

Chief Dunham- No Nothing to add at this time.

Atty. -Thanks Chief

Mayor – We'll place that on the Planning & Development Agenda, Thank you Carlie

Carlie – Thank you

MAYOR:

Mayor – Any other Request or comments. Ok I'll move on to my section. I want to Thank Mr. Brockman for all the work he did. We have received and recorded the deed for parcels and property behind the McDonalds Restaurant. Mostly wet land. Give us opportunity to look at find to Lake Street to the trail, Waterfront Trail. It's an excellent addition to our Park Lands. Thank you very much Mr. Brockman.

Atty. – My pleasure – it was thrown into Tom Schwartz lap.

Mayor – Yes, we will move to the Village Atty. section Mr. Brockman

Atty. – The only thing I have is not on the Agenda elsewhere is a note – with regards to 106 Stark Ave. is on the Surrogate Court calendar for the 6th all the papers that needs to be served have been allowed. I talked to the lady who wants to be administrator Ethel Hoose she says she has a buyer for the property. So, once she has been appointed as administrator, then we can look into that and possibly resolve the whole issue without the Village spending a lot of money to dismantle the place but for now we are on the right track.

Mayor – Thank you and Bruce for all the work.

Bruce – Thank Ed

Mayor – Before I move on, I want to mention we still have COVID guidelines and requirements out there. I want to Thank Tom, Gary and Holly for getting all the protocol in place for the Office. Each of you when you visit the Office there's for Visitor's a sign in, for Employees which would be Trustee you each have a daily self-Assessment that has to be filled out when you enter the building. Questions aren't that hard. It definitely gives us what we need to have in place. There's a lot of other things other steps that have been taken really; we are complying. I believe all the employees still feel quite safe with the arrangements we have in place right now. Still by appointment only, drive thru working great. Want to Thank everybody for dealing with this, but it still continues. We really technically don't have the availability to do a mix meeting, half Board Room and Half zoom. I think we probably need to proceed with caution here. More to follow but I think we should proceed temporarily with the Zoom procedure, if no has problem with that except Mary Ann. Sorry the transcript thing is a bear, but all in all the community is really being responsible the face masks wearing, social distancing. I hate to be in school right now trying to figure out how to open, but I know there working on it very hard. A lot of decisions that have to be made. A lot of precaution's that have to be put in place. Let's all continue to live safe and deal with this. So, I'll move on.

Trustee Condella- I just want to add to school I think there doing a very good up there. The Teachers, Howard and everybody I thank them for the work during the pandemic. I think there doing a good job up there for what there dealing with. So, hats off to them.

COMMUNITY REVITALIZATION:

Mayor – CRC We haven't had any new application there's some interest. We have a health fund that can take care of new project but will- more to follow.

Atty. – There's someone that has submitted an application, by the way I'd like to mention Katie Tomlinson is the new Secretary, Administrator up there is working hard to get up to speed on the Façade program. She has asked a couple times on details so. I think were in good shape for that right now.

Mayor – Yes, she seem very very willing to step into the Façade program and details. So that is good. Thanks, you for helping her out with that.

Atty. - Sure

MUNICIPAL:

Mayor -Okay We will move on to Municipal Kevin has not joined us yet. So, I'll do these. Well, we have Tom here. I don't see Rom. Under Municipal there's the first request form the MUB. To authorize the

property owner at the corners of Hillcrest and Old Bath Road to hook up to the Milo Sewer District 3 system; contingent upon determining that the property is not within 100 feet of the existing Village Sewer system. It's right there at the bottom of the hill. I think it will improve a pump installation and a few other things. The MUB reviewed and discussed it and thought wouldn't be allowed to hook to Milo sewer 3 since there right there on the Bath Road for the 3 goes up the hill.

Trustee Condella – I'll second it

Mayor - Okay I guess I made the Motion didn't I. Mayor Alright any other discussion.

Trustee Hoban – Are they going to fix the road they tore up. They did a number on Hillcrest when they installed that. I'm not sure it's going to make it through the winter without going down.

Mayor – To Schwartz could we relay those concerns.

Tom- Yes

Atty.- We talked about it at MUB

Tom / Mayor – Yup

Atty. – It looked like a – you'll have to dig it up - so that lateral across the Street

Tom/Mayor – Yup

Trustee Hoban – They crossed the road twice up further near my house and then down near the bottom and down where the lot is. That is already falling apart and it's a good chuck into the road. So, it's not good.

Atty – Tom and I will work on that and if he needs help pushing the developer and or the town, we will do that.

Mayor/Trustee Hoban – Thank you

Mayor – There was a question of Street opening permit if I recall at the MUB

Atty. – Tom if you get a chance, I haven't seen anything about the distance between that lot and the nearest sewer.

Tom – Yup right

Atty.- No rush

Tom - No we will wheel it off and also talk to, will probably start with the Town and have them talk to the Developer

Atty. – Yea and is there a sewer lateral that came under the road

Tom – Yup Okay

Atty. – Good

Mayor – Any other discussion

Trustee Hoban – Just as a FYI – both the two properties mine and below us, we pump up the Hill to meet the sewage. So, don't know if that makes any different, people find it odd but we had to pump it up so

Atty. – That apparently were the sewer is.

Trustee Hoban- Ya Just as a FYI Tom you might know.

Tom – Ya Ya when I looked at it this earlier this year, there's a few houses that have a grinder pump- that that forces it up the hill to our sewer.

Trustee Hoban – Ya

Tom – Ya that's what they are trying to avoid down here at the bottom section.

Trustee Hoban – Ya

Tom - Like \$25,000

Mayor – alright is there any other discussion- I'll call the question

Roll Call Vote

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

Motion Carried

Mayor – Next item from MUB to award O'Connell Electric, Inc. the 4kV Distribution Circuit Gang Switches bid for the amount of \$36,500.00. This is additional switching needed to service we ran up to Horizon Park.

Trustee Benedict- I'll second that

Mayor – Motion and seconded Mrs. Benedict any other discussion

Mayor asked for a Roll Call Vote

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

Motion Carried

Mayor – Next item to declare Water/Sewer 2019 Bobcat Skid-Steer [ALJ827254]- a surplus asset to be traded in to Bobcat of the Finger Lakes this Summer for a new 2020 S650 T4 Bobcat Skid-Steer Loader.

Trustee Benedict – Second

Mayor – Second Mrs. Benedict, any discussion

Mayor asked for a Roll Call Vote

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

Motion Carried

At 6:31 PM Trustee McLoud joined meeting

Mayor – Next item the MUB – Motion to accept Casella's Residuals Management Service Agreement for the acceptance of Village of Penn Yan municipal sludge. Costs incurred to vary based on a base rate of \$65/wet ton of Residuals accepted and \$80/load to cover costs of the Facility's time and equipment used to dig the load out of the container. So, if the container gets plug, they have to dig it out.

Trustee McLoud – Hi Leigh I'll make that Motion

Mayor - Hello Kevin – Welcome

Trustee Benedict – Second

Mayor – Motion Mr. McLoud, seconded Mrs. Benedict any discussion

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

Mayor - Four more items from the MUB here Motion to authorize the suspension of City Hill’s septage hauling permit to the Penn Yan Wastewater Treatment Plant for a period of 30 days, effective 72 hours after being adopted by the Village of Penn Yan Board of Trustees on Tuesday, July 21, 2020.

Mayor – Discussion it was a non-permitted commercial waste hauling done and Municipal Board is recommending a 30-day suspension of the hauling permit to the Village.

Bruce- Days are 90 not if that matters

Mayor – We changed it to 30

Bruce – Okay, Okay

Mayor – It was originally considered for 90 we modified it to 30-day period.

Trustee McLoud – I’ll make that motion

Trustee Condella – second

Mayor – Motion Mr. McLoud, second Mr. Condella discussion

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

Mayor – Next Motion to authorize Steve Castner’s Wastewater Grade II state certification. Renewal fee to be paid to New York Water Environment Association in Syracuse N.Y. Fee: \$160.00.

Trustee Stewart – I’ll second it

Mayor- Second Mr. Stewart any discussion

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

Atty. - Can we go back up to the City Hill matter. We should make sure of who’s going to notify the City Hill of this action.

Mayor – As Director of Public Works – I believe Tim.

Tom – Yes – I can send them a letter -letting them know that they have been suspended.

Atty. - Excellent – good

Tom – We put a little delay in there

Mayor – 72 hrs.

Tom- 72 hrs. yes okay

Mayor – Yup I think under the circumstances warranted. I agree with the MUB on this.

Trustee Benedict – And that letter will be certified returned receipt requested.

Tom – Yes it will – yup

Atty.- That will go on Friday evening, so they can operate till Friday and this will have 30 days starting Friday night.

Tom – Alright

Mayor – Okay the next item Motion to declare WWTP 2019 Bobcat Skid-Steer [ALJ827243]- a surplus asset to be traded in to Bobcat of the Finger Lakes this Summer for a new 2020 S650 T4 Bobcat Skid-Steer Loader.

Trustee Benedict – I’ll second that

Mayor – Second Mrs. Benedict any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

Mayor – And lastly from the MUB we have Motion to approve Utility Payment Agreements in the amount of \$2,590.02

Trustee Spencer- Second

Mayor – Second Mr. Spencer any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

Mayor – Administration Mrs. Benedict

FINANCE & ADMINISTRATION:

Trustee Benedict – I’d like to make a Motion for approve the Warrant paid before Audit.

AUDIT:

		Amount:
Paid Before Audit:		
General		910,191.17
Electric		177,696.43
Sewer		7,021.29
Water		7,377.85
Capital Projects		
Total Paid Before Audit		\$ 1,102,286.74
Current Audit:		
General	\$	70,042.86
Community Development - CRC		-
Electric		50,428.29
Sewer		43,376.93
Water		33,004.96
Capital Projects		-
Total Current Audit Items		\$ 196,853.04
TOTAL AUDIT		\$ 1,299,139.78

Trustee Spencer – Second

Mayor – Motion Mrs. Benedict, second Mr. Spencer and discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Trustee Benedict – A FYI Auditors from BST are here doing field work this week, so Gary and Holly will be hopping.

Trustee Benedict – Motion authorizing the General fund to “subsidize” the Electric fund in the 2018-19 fiscal year, as already reclassified by the Office of State Comptroller, by not requiring budgeted payments totaling \$191,852.95 from Electric Fund to General Fund for Rent (\$104,465.13), PILOT (\$45,000), and Gross Receipts Tax (\$42,387.82).

Trustee McLoud – second

Mayor – Motion Mrs. Benedict, second Mr. McLoud any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Trustee Benedict – Motion to authorizing the General fund to “subsidize” the Electric fund in the 2019-20 fiscal year by not requiring budgeted payments totaling \$189,534.83 from Electric Fund to General Fund for Rent (\$85,305), PILOT (\$60,980.23), and Gross Receipts Tax (\$43,249.60).

Trustee Spencer – second

Mayor – Motion Mrs. Benedict, second Mr. Spencer any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Trustee Benedict – Motion to authorize the provisional appointment as Deputy Code Enforcement Officer to Jamie Kincaid, effective August 3, 2020. Annual salary \$55,000.00, one-week (40 hours) vacation, one-year provisional appointment. There is no probation one-year provisional appointment.

Trustee Stewart – I’ll second that

Mayor - Motion Mrs. Benedict, second Mr. Stewart any discussion

Atty. Brockman – When this first came up my recollection that 1-week vacation would not become effective for a certain period after a certain period of working. Is that going to be followed through or has that been set aside.

Tom Schwartz– Ed we decided that since I control authorizing vacation, I wouldn’t let that become a problem.

Atty. Brockman- That’s fine as long as your happy

Mayor – Very good Thank you

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Tom Schwartz – Thank you

Mayor – Any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes
					Carried

Trustee Benedict – Motion to authorize to increase the Code Enforcement Officer, Bruce Lyon’s annual salary to \$55,000.00 effective July 22, 2020.

Trustee McCloud – Second

Mayor – Motion Mrs. Benedict, second Mr. McCloud any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes
					Carried

Trustee Benedict- Motion to retroactively authorize the hiring of Elle Harrison and Zack Smith as lifeguards effective July 4, 2020. Pay rate of \$13.20/hr.

Trustee Condella- Second

Mayor – Motion Mrs. Benedict, second Mr. Condella any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes
					Carried

PUBLIC SAFETY:

Mayor- Public Safety Mr. Condella

Trustee Condella – Yes start off with the Chief Report - Chief Dunham anything to add to it.

Chief Dunham – No nothing to add

Trustee Condella – Okay I see a service call 589 for the month

Chief Dunham – Correct

Trustee Condella – Is that up or down

Chief Dunham- It’s pretty even

Trustee Condella - Okay

Chief Dunham- Maybe slightly up, are calls are changing a bit because of COVID but seems to still be pretty busy calls bottom line.

Trustee Condella – Okay everybody holding up alright

Chief Dunham – Yes Sir

Trustee Condella – Okay doing a great job

Chief Dunham – Thank you

Trustee Condella – Alright Thank you we’ll move on to the Fire Department, Frank you out there

Chief Ellis- Oh yes, I am

Trustee Condella – Chief report

Chief Ellis- Can you hear me

Trustee Condella – I can, can you hear me

FIRE DEPARTMENT:

Chief Ellis- Yes, I can

Trustee Condella- We have a route time of 1 minute and 9 seconds

Chief Ellis- Yes that’s the average for the year – yes

Trustee Condella – Okay

Chief Ellis- As you can see also- this year which is abnormal 14 structures fire- could add another one, we had a garage fire that’s 15.

Trustee Condella – Okay alright Okay

Chief Ellis- I only have one other thing to say. I don’t know if any of you have heard today but our horn went off.

Trustee Condella & Benedict – We hear it

Trustee Condella – I went to lunch when I heard it

Chief Ellis- The one guy I don’t know what his name is. The three guys were here. I know the Folts boy, the other tall and short one

Tom – Joe Yankanich

Chief Ellis- He knows the system very well and he told me that he can get this up and running for hardly anything at all. I told him do it, but I’ll pay for it.

Trustee Condella- Okay

Chief Ellis- He thinks it will be less than \$100.00

Trustee Condella – Okay

Tom – That Joey Yankanich

Chief Ellis- Ok he knows the system very well

Trustee Condella- Okay very good that’s’ good news than Frank

Chief Ellis- For me it is- after about seven years

Trustee Condella- Yup- I’ll request Motion to authorize Robert Sebring and Jason Wisner to be elected to the PY Fire Dept. in the Hunter Hook & Ladder Company effective 7/9/2020.

Trustee Benedict – I’ll second that

Mayor – Motion Mr. Condella, second Mrs. Benedict any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Trustee Condella – Motion to authorize Brad Ovens and Stacy Stoddard to be elected to the PY Fire Dept. in the Ellsworth Hose Company effective 7/9/2020.

Trustee Benedict – Second

Mayor – Motion Mr. Condella, second Mrs. Benedict any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Trustee Condella – Request to remove Teddy Cox from the active roll effective 7/13/2020.

Trustee McCloud – Second

Mayor- Motion Mr. Condella, second Mr. McCloud any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Trustee Condella - Alright Thanks Frank tell the guys there doing a great job, we appreciate them

Chief Ellis- Thank you

Trustee Condella – We appreciate you

Chef Ellis- Thank you

Trustee Benedict – Guys and gals

Trustee Condella – And gals I’m sorry Carolyn

Chef Ellis- Yup the reason it’s important about date on them things become they started people right away so there covered by insurance and everything

Trustee Condella – Okay

Atty. Brockman – By the way Frank your article about the mines were interesting. Your comments

Chief Ellis- I tried to – it’s been about 50 years. I don’t know how much accurate to the best of my ability to my memory.

Atty. – It was very interesting

Chief Ellis- The last 40 years worked there I was underground about 5, 00 feet down. It was a continual down grade, a slight down grade way out in the lake. Never went under the lake, they thought we went under the lake – never did. I didn’t want to go under the lake anyways. I don’t swim very well underground.

CODE ENFORCEMENT:

Monthly activity report for June

Trustee Condella- Aright move to Code Enforcement, Bruce anything to add to the monthly report.

Bruce – No I’m beginning to set up some fire Safety inspections for some commercial stuff because there open and see where we are at. Starting in August. Other than that, got a couple of tickets. Talked with Judge with the Judge were going to set the appreance dates up end of August. So, we can get some of those out that are behind.

Trustee Condella- Okay

Bruce- Other than that it’s about the same

Trustee Condella – Motion to authorize Hamm’s 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 2021 if they are not paid after invoice is sent out.

205-207 Elm Street	215 Elm Street	203 Keuka Street
304 Liberty Street	204-206 Lake Street	

Trustee Benedict – Second

Mayor - Motion Mr. Condella, second Mrs. Benedict any discussion

Mayor asked for a Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Trustee Condella – Is that 204-206 is that on the corner of Lake Street and Brown

Bruce- Yes that’s the old East Side Grill

Trustee Condella- East Side Grill Thank you

Atty. - Is Pizza Hut on there

Bruce – No it’s not – should probably go on they have been pretty good on mowing- catching up on it. They haven’t done or used the edges and that because evident. Wit the place behind them mowed last month – a couple weeks ago.

Bruce – Yes, I put them on here

Atty- are they out of business for good.

Bruce- It appears that way. I have not heard anything but they were heading down hill before all of this. There hasn't been sign of life in the building since it started in March.

Atty.- Right Okay Thank You Trustee Condell a- Alright that is for Public Safety Mayor

Village Clerk – Need a Roll call vote for that

Mayor – Do we have a second

Village Clerk – Yes

Mayor - Mayor asked for a Roll Call

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

Mayor – Thank you Dan- Public Works Mr. McLoud

PUBLIC WORKS:

Trustee McLoud – Yes, I'd like to request a Motion to authorize the Summer sports leagues to proceed with their respective seasons and use Village facilities as long as they are following State safety guideline.

Trustee Condella – second

Mayor – Motion by McLoud, second Mr. Condella any discussion

Mayor asked for a Roll Call

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

Trustee McLoud – I'd like to request a Motion to authorize the Yates County Indemnification Agreement.

Trustee Spencer – Second

Mayor – Motion McLoud, second Mr. Spencer

Atty - I have a comment on that. I would strongly advise based on the wording of that never use Ag County Equipment with our people operating it. The way it's worded all they have to do is some damage or some how broke down when using it. And we have no say about weather or not to pay for it. So, I suggest we never use it without their operator. If you going to sign this thing.

Mayor – I don't believe we have in the past

Tom- But Dooley noted Ed.

Atty. – Thank you

Mayor – Thank you very much any other discussion

Roll Call

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

Trustee McLoud- Your welcome

Mayor – Planning & Development Mr. Stewart

Trustee Stewart – Yes, I'd like to make a Motion to authorize configuration survey to be done of the Village-owned property at the south west corner of Sherman Street and Kennedy Avenue. (approximately .66 acres)

Mayor- Motion Mr. Stewart, second Mc. Condella any discussion

Atty. – that should actually read to authorize the preliminary survey. The reason was recommended so that because we're not sure thought as much as .9 of a acres.

Atty. – I think about 2/3 of an acre and the size of it will determine how many potential building lots are up there. So, we think it's important at this point to have a survey done. In any event if we do sell it at some point, we will need it survey done anyways.

Mayor – Yes – good any other discussion

Atty. – If we do sell it will need a survey anyways

Mayor – Yes Thank you any other discussion

Roll Call

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

Trustee Benedict – Mary Ann just a point of information you have June 20th on here for the meeting instead of July 20.

Mary Ann – Oh I see – Ok you mean Planning & Development

Trustee Benedict – Yes

Mary Ann - Today is the 21st

Trustee Condella- It's July

Trustee Benedict – Not on the revised one you sent out

Village Clerk – I have July 20

Atty. – people who were there knows when it was

Trustee Stewart – Mr. Mayor it is the 1st meeting of summer

Mayor – Yes Rich Thank you very much. Yes, it is the 1st official meeting of summer. Any other business- public discuss or comments before we close. If not, I'll entertain a motion to adjourn for Close Session for legal counsel.

Trustee Benedict – I'll make that Motion

Trustee Condella- second

Mayor – Motion Mrs. Benedict, second Mr. Condella

Roll Call

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

EXECUTIVE SESSION:

At 6:56 PM, **MOTION** by Trustee Benedict, seconded by Trustee Condella to enter into Close Session.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:26 PM, **MOTION** by Trustee Spencer, seconded by Trustee Benedict to leave Close Session and return to regular Village Meeting.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

ADJOURNMENT:

At 7:27 PM, **MOTION** by Trustee Benedict, seconded by Trustee Spencer to adjourn the regular Village Board meeting.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Carried

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: