

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, December 15, 2020 at 6:00 PM, Streamed by Zoom 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 T. Schwartz; Deputy Dir. Of Public Works TBD; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis

**ABSENT:**

News Media present: None

**PUBLIC:** Carlie Chilson, Tim Marcellus, Adam and 521-2866

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

**Mayor-** Thank you – We have three Public Hearings tonight the First one is scheduled for 6:05PM. So, I will start out with the letter from 11 grade Government class. Each year I usually get eight or ten letters. As you recall last year there were 50% were drug or Narcan related. This year it's little different. There's one here about a student that's asking us to look at the Outlet Trail and perhaps make it a littler safer. I'm going to hand this one off. I think it's East Elm Street there talking about anyways that's Outlet Trail, there is one regarding drugs. There suggesting that we the community needs additional drug treatment for the people that have problems and of course there's the realest here who wants me to give to Tim Marcellus he's talking about the roads and how we need to keep them fixed. It's always good to have someone looking at that and the last four here. This one student we need more retail need more places to shop. They have to go to Geneva to get a pair of pants. So, that's you good to hear that from them. Another student thinks we need to look into having places for the students to hang out and congregate after school, and the last two are talking about restaurants one says we need Definity more restaurants and the second one also says. We need more restaurants that don't have bars. So, we have more family-oriented restaurants. So, I thought that was a wide variety of letters from the students. Now there looking ahead COVID hasn't deter them. I didn't get one COVID letter. So there, they are the youth of our community looking ahead. Good to see that.

**Atty.** all good ideas.

**Mayor-** Yes very good ideas. I do have one appointment here that wasn't on the agenda. I did give copies I think of letter of interest to Planning & Development, but I forgot to mention it. During our Planning & Development meeting. I'd like to appoint Gary Reagan to the ZBA. He sent me a letter of interest. I talked with him this afternoon and he's still willing to do it. So, I said Okay I'll appoint you tonight. So, it's still not 6:05PM.

**Mayor-** Laurie Schroeder is still with us she just – she just clocked in 20 years of service. So, it says on her desk she has 11 working days left, but I encourage everybody to stop by and ask her to add a didget or two to that.

**Carolyn-** I was in there office yesterday afternoon doing thew auditing and we made a disclaimer to Sue that it wasn't – we weren't unhappy she was with us. We just weren't going to let Laurie go. All laughed

**Mayor** – they were doing a wonderful job today they were sending out notices Utility bills – late notices. I think it was Laurie's idea to send pink letters. It gets people's attention. I just can't say enough about Laurie, none of us. She has done just a wonderful job. She's a perfect fit for that position and that she's done a great job.

**Mayor** – Well it's 6:05 so we can open the first Public Hearing that deals with the changes to Vehicle & Traffic Law. Specifically, the parking spot in front of the Town of Milo on Main Street. We have it temporary blocked off and it seems to have really enhance the driver's view of the sidewalk and pedestrian safety, but is there anyone that wishes to speak on the Vehicle & Traffic change.

**At 6:05 PM Trustee Benedict-** I'll make a Motion to open the Public Hearing

**Trustee McLoud** – I'll second it

**Mayor** – Motion made by Carolyn, second by Kevin

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes, Mr. McLoud- yes,  
Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** – is there anybody that wishes to speak on these purposed changes to the vehicle & Traffic Law.

**Atty.** – I'll just comment this was started because of concern of pedestrian safety walking from east to west across that crosswalk and was obviously any vehicle that was parked there created a visual issue not only for the South bound. But not only for the northbound drivers but also the pedestrian.

**Mayor** – Thank you very much preparing that.

**Trustee Hoban** – We're going to put a big sign there.

**Mayor** – have you seen – you have a front row seat there don't you see.

**Trustee Hoban**– yes- people are still parking there because the sign is barley bigger than the car. So, I don't really think they see it as much.

**Atty.** – the pavement should be marked such as to indicate that it's not a parking spot. Plus, there should be a no parking sign on a post there.

**Mayor**- We didn't have Tim do anything will the markings because the changes to the law hadn't passed yet.

**Trustee Hoban** – there's a little short sign but not 100% affected it's somewhat effective.

**Atty.** - the sign will probably be on a one of those corrugated post so it will be up above the top of the vehicles parked along Main Street.

**Mayor** – yup – well are there any other comments. Then I'll entertain a motion to close the Public Hearing.

**At 6:08PM Trustee Condella** – I'll make Motion

**Tim Marcellus** – Leigh can you hear me

**Mayor**- Tim

**Tim** – I'm here- I hope everyone can hear me. I'm actually out in the tow truck right now so, I'm having some evening fun. I would like to chime in. You mentioned about putting in a post there. I'm perfectly fine with not putting a post there and just painting off that section were when we do restriping next year and that way it won't be there and the spot will be completely gone.

**Atty.** – that should be efficient unless people ignore and park there anyways.

**Tim** – correct

**Atty.** – there should be some indication that there is no parking so, if someone does park there, they get a ticket.

**Tim** – correct

**Mayor** – maybe a diagonal line across or something that can have out by spring

**Atty.** – actually write no parking on the pavement just like handicap parking.

**Tim** – ya we'll cross that off when we come to that time. It'll be at a point they know

**Atty.** -good

**Tim**- Ok no problem

**Carlie**- yes, I have a question

**Mayor** – yes Carlie

**Carlie**- so in the winter time when the snow is covering the ground. They won't be able to see the sign.

**Tim** – there won't be any snow covering that spot only during snow events.

**Mayor** – you – we'll work the details later on that.

**Tim**- Ok no problem

**Mayor**- we need to get this Local Law in place first before we can change any of that. Okay Thank you. Any other refresh my memory

**Mary Ann** - yes, I'm unsure who made the first motion- weather it was Kevin or Dan.

**At 6:17 PM Trustee Condella** – I made the motion

**Mayor** – Dan made the motion and had a second

**Trustee McLoud** – Rich seconded it

**Mayor**- Rich seconded it. I didn't do the roll call so, before I do the roll call any other comment regarding Vehicle & Traffic changes to the law. Okay

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes, Mr. McLoud- yes,

Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** – with the Public Hearing held and closed we have a Motion to authorize a Resolution No 63 -2020 Amending the Vehicle and Traffic Chapter 190. Would anyone care to make that motion.

**Trustee Stewart** – I'll make that motion

**Mayor**- Thank you Rich

**Trustee Hoban** – I'll second it

**Mayor** – second Dr. Hoban- any other discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes, Mr. McLoud- yes,

Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** – well that went right into the next Public Hearing. The next public Hearing regards changing to the Zoning regarding swimming pool in their allowable depth. We have a motion to open the Public Hearing.

**At 6:11PM Trustee Benedict** – I'll make that motion

**Trustee McLoud-** second

**Mayor** – Motion by Mrs. Benedict, second Mr. McLoud

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes, Mr. McLoud- yes,

Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor-** anyone wishes to speak on the purposed changes to Chapter 202 of the Zoning regrading

**Atty.** - I'll comment on the purpose of the Local Law. It was determined by Bruce Lyon that the definition of what is a swimming pool depending on the depth of the water and the State Code had a depth of I believe 18" and the depth in the definition in our Village Code was 24". So, the purpose of this was to decrease the depth to 18" to be in compliance with the State Law.

**Mayor** – Thank you Mr. Brockman

**Atty.** – certainly

**Mayor** – anybody wishes to speak on the purpose changes

**Trustee Benedict** – I only have a question. How are we going to communicate this so that folks don't put up their pools in the spring and then up with a citation.

**Atty.** – well like another notification or amendment to a code with a Local Law there's a notice of adoption published in the paper and of course and with anyone that has be involved with the criminal Justice system knows ignorance of the law is no excuse. So, it will be posted in the code we can put the notice of adoption on the Village Web site which would be a further notification and of course the code in the Web Site will also be amended.

**Mayor** – it shouldn't have much of an impact were only talking about 6" difference in the depth

**Atty.** - correct

**Trustee Benedict** – Okay on page 5 of our attachment which is the Local Law filing. In section 5 it says that a swimming pool is at a depth at any point of more than 24".

**Atty.-** I might have been wrong on the measurement. Ed Carolyn is correct the State Code is 24". Okay what we have 30 this after

**Jamie-** yes I think we were 6" above that. We were at 30, honestly everybody uses the State Code anyways. So, these people should already know that it was more restriction. So, basically we did Bruce has been pushing the 24". We all have everywhere I seen I've pushed the 24". So regardless what the Local Code may say in their code book.

**Atty.** – I apologize for my misrepresentation.

**Trustee Benedict-** Just wanted to make sure we had it in the text correctly before we passed it.

**Atty.** – it is I was the one that was wrong not the Local Law.

**Mayor** – Any other – does anyone else wish to speak on the purposed change if not we can have a motion to close the Public Hearing.

**At 6:08 PM Trustee Condella** – I'll make a motion

**Trustee McLoud-** I'll second

**Mayor** - Mr. Condella, second Mr. McLoud any discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes, Mr. McLoud- yes,

Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** - Now we have for your consideration a Resolution 64-2020 to adopt the changes

**Trustee McLoud** - I'll make a Motion

**Trustee Benedict-** I'll make a Motion to authorize Resolution No. 64-2020 Adoption of Local Law – Amending the “Zoning” Chapter of the Village Code by Replacing the Definition of “Swimming Pool” (Local Law K 2020)

**Mayor** - Thank you

**Trustee McLoud** - second

**Mayor** - Motion Mrs. Benedict, second Mr. McLoud any other discussion

**Trustee Stewart** - Yes, I have a question when we pass this 24" if there is water in there for 24" deep. It's a swimming pool and if not 24" say it 20" what different does it make.

**Atty.** - It's not it doesn't fit into it. 20" rather than 24" or 10" rather than 24". Doesn't fit into the definition of swimming pool and therefore. Any code restrictions which regards to swimming pool would not apply.

**Trustee Stewart** - if people just put water in to put feet in it, it's not a swimming pool.

**Mayor** - You don't need a fence around it

**Trustee Stewart** - Okay - Okay

**Jamie**- if water in it or not if it capable to hold that water 24" it's still a swimming pool

**Mayor** - We wouldn't want to require a fence like a little kind of lived-in town wouldn't want a little fence around his waving pool.

**Jamie**- No were not messing around with them I know which pools are 24". Just by seeing them by a distance, pretty use to them.

**Mayor** - right

**Atty.** - Jamie is correct it's the capacity the actually amount of water you got in it

**Trustee Stewart** - Thank you

**Mayor** - Thank you any other discussion on that issue. We have a Motion on the floor.

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** - good job - we went over on that one - so we can open the next Public Hearing this has to do with the chapter 56 - Brush, Grass and Weeds removal by the Village and the cost related to it. Could I have a Motion to open the Public Hearing

**Trustee Condella** - I'll make a Motion

**Trustee Hoban** - I'll second it

**Mayor** - motion Condella, Dr. Hoban second it

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

Anyone wish to speak on the proposed Local Law Chapter 56. Change

**Atty.** - there is two primary changes in that section of law and as you may recall Bruce Lyon use to have come to the Board of Trustee in order to get permission to have over sized or over height grass mowed by the Village and the change in the law now provides that after notice to the property owner rather than having to come to the Board of Trustees and get permission and then get someone to mow it. This speeds up the process by still requiring notice to the property owner, however if they have not modified or changed there or fixed the problem the brush, grass or weeds. All the code guys needs to do is go to DPW Director and get authorization to have the grass cut and that we figured probably would speed the process up by 30 days. So, instead of waiting most of the summer for these grassy areas be mowing they would be done with in 30 days hopefully the other change is to increase the administration charge to from 10% to whatever the cost is too actual fix the problem to 20%. It was indicated by Bruce Lyon previous that 10% was not sufficient to cover the cost of gas driving around mailing notices out and so on and so force. So, we increase it to 20%. Those are the primarily amendment to that law.

**Mayor** - Okay - does anyone care to speak to Chapter 56 and those purposed changes.

**Carlie**- I have a question

**Mayor** - Yes Carlie

**Carlie** - So that someone will or not able to out their grass. Is there any kind of concession the Village maybe allowed or encourages or helps with and if there is how did that change or would it change?

**Mayor** - I don't believe that has been an issue in the past.

**Carlie** - So somebody that has extensive circumstances and is unable to get to there grass if they had surgery or something like that and financially in trouble or what ever so - is I guess I'm looking at

**Mayor** - We haven't had that in the past if there were extensive circumstance, they would need to contact the Village. I don't believe we have ever had anybody that wasn't able for their reasons.

**Atty.** - if that issue ever come up - I'm sure there some community organization such as Rotary or Lyons- Kiwanis to take care if that or the individual church of some of that nature. Certainly, the Code Enforcement officer would know weather this is a personal

problem or is it an isolated issue and probably look and if the person does have a problem such as Carlie talking about reach out somehow to have the problem remedy without going through this procedure.

**Carlie**- very good

**Atty.** - your right Carlie there's nothing in the code that address this.

**Carlie**- especially with COVID you know people do get ill there are circumstance that do impact us.

**Mayor** - oh certainly we would take that into consideration

**Trustee Stewart** - that's kind of like in the winter people go to Florida stuff they can't shovel there walk somebody does it. Neighbor or so

**Atty.** - good point Rich

**Mayor** - any other comments regarding the changed to the brush grass and weeds Chapter 56. I believe a need a motion to close the Public Hearing.

**Trustee McCloud** - I'll make a Motion to close the Public Hearing

**Trustee Condella**- I'll second it Leigh

**Mayor** - Motion made by Mr. McCloud, second by Mr. Condella any discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McCloud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** - We have Resolution 65-2020 to consider now

**Trustee McCloud** - I'll adopt Resolution 65-2020

**Trustee Condella**- second

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

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McCloud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

This ends our three Public Hearings

**Atty.** - that was 10 Local Laws this years.

**Mayor**- wow that's

**Atty.** - not quite the record but getting close. We'll get those finalized and on the books.

**Mayor** - thank Lori for us.

**Atty.** - she's the one that does it all. I'll pass that along

**Mayor**- Next on the Agenda Executive Session. I believe we have a need for Executive session this evening. Contract and a contract and legal counsel.

**Trustee Benedict** - yes

**Atty.** - legal counsel will be closed session to discuss matter with the Village Atty. rather than Executive Session. We don't want that in the minutes showing up in Executive Session, course it's not an appropriate subject.

**Mayor** - there are legal points for contract leave that out and just say talking contract.

**Atty.** - will let Mary Ann's sort that all out.

**Mayor** - thank you Mr. Brockman. We have a Motion from Mrs. Benedict do we have a second. Yes, we had Ray

**Trustee Spencer** - to have an Executive Session at the end here.

**Mayor** - Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McCloud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor**- next we have minutes - we have minutes from our regular meeting of November 17 and Special meeting November 20 with our Auditor. Any addition or corrections to those minutes. If not I'll entertain a motion to approve the minutes.

**Trustee Stewart** - I'll make that motion

**Trustee Condella** - second

**Mayor** - ok Motion Mr. Stewart, second Mr. Condella any other discussion-

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McCloud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried Thanks

**Mayor**- Okay Public guess request comments anyone wish to make a request or comments at this time okay.

**Trustee Benedict** - Mr. Mayor can I just point out this is an opportunity for our guest to ask any questions about upcoming items on the agenda and then at the conclusion of the meeting they have another opportunity to ask questions or make comments.

**Mayor** - yup that's how we do it. Thank you very much Mrs. Benedict.

**Mayor** - alright we have an FYI have Keuka Arts Festival Committee is looking for dates in June for the annual event all their plans are based on COVID pandemic. They have indicated they would like to consider June 25, 26 & 27. So, if we are able to schedule events. They have those three days blocked out of there event. We won't know until it's along closer to that. It has been quite a year hasn't it.

**Village Clerk** - are they going to do a motion or not on that.

**Mayor**- I think it was just a FYI from the Public Safety. You have the calendar down there. Does any one want to consider with a motion to block off those 3 days in case some other.

**Trustee Condella** - thought we were going to make that decision later in the year.

**Mayor** - right- basically Mary Ann this was just a FYI. So, we don't have know the 3 days that there planning on. Were not going to approve the event.

**Clerk** - What do I tell her tomorrow- she did call today

**Mayor** - well we're going to block the 3 days off

**Clerk** - Okay

**Mayor**- They know we can't approve it right now

**Atty.** - certainly it will be in the minutes that it's not approved and its condition on critical situation - looking at May.

**Clerk** - Okay

**Atty.** - probably look at it in April and we could figure out a way to calendar that

**Clerk** - yup

**Atty.** - it should go to Public Safety first

**Mayor** - oh yes- definitely go to Public Safety.

**Atty.** - So, Public Safety in April. Just before the May Board meeting.

**Mayor** - there just looking for the 3 days to block it toff incase they can't have the event. I don't think we have Planning on that. Can't approve it until we get closer. The rest of the agenda.

**Mayor** - on that note I'll turn it over to Mr. Brockman

**Atty.** - first item I have is to discuss with the Board is based on a conversation I had with Tim Marcellus that one of the reasons he's here at the meeting tonight. It has to do with weather or not the two new Outlet Trail bridges are going to be maintained treated or what every you want to call it, during the winter months. The reason why I brought it up. Reason 1 we received grants for the construction of those two bridges and I have no idea if there are conditions in the grants about whether they have to be maintained during the winter and the other reason is we have been forewarned the fact of these two Outlet Trail bridges to the State of New York with regards to the Outlet Trail. I thought it was something the Board of Trustee's ought to look at and decide on how to proceed. I know the old pedestrian bridge down by the Liberty Street is not mainted during the winter because it's used by snowmobiles but I thought this should be looked at and have the Board of Trustee have some input.

**Tim Marcellus** - I'm here if you're ready

**Atty.** - Thanks Tim go ahead

**Tim** - so as everyone is aware the new Water Street bridge connection to the Outlet Trail is now opened as long as I have been employed with the Village. We have never maintained any section of the Outlet Trail. Due to the fact the snowmobiles Club use it as trail throughout the Village. My question to the Public Works the other day was in regards to our we going to allow the same process going forward with the new connection. There's no connection to Mr. Spencer's property from the outlet Trail to his property. So, people would be stepping off on the own risk. We currently shut everything down- stairway trail access otherwise for the trail. So, we were wondering if we want to plan to maintain the section from Water Street down to the Outlet Trail.

**Atty.** - the other question I have and I'm not saying anything about the guys that plow snow. Is that walkway going to be cover with plowed snow from the parking area back there and also it is the access to the Outlet Trail along the Water Street. So, I'm concern because of the construction of the bridge it's arched. So, if it gets snow on it or just ice on it. Could be a pedestrian hazard. If it's just blocked off or maintained the other.

**Tim** - correct - Ed you are right in that the other Bridge that goes from Angler boat launch to the trail is also an arch bridge. That we like wise is never maintained in the winter because of the snowmobiles. So, the section in question is what do we want to do going forward with the new Water Street to the bridge connection. Are we going to maintain it to keep it snow free or are we going to treat it as we do with the rest of the trail system and close it off for the winter?

**Trustee Condella** - Tim I think either way we should put some signage up to like slippery when wet. In maintaining the bridge it's on the surface there. Do you use salt on top of those surfaces or will it deteriorate?

**Tom** - it would deteriorate the bridge quicker. I don't believe they were designed to be able to handle salt loads, spreading on them. As far as signage goes. We the only sign that I'm aware of is what the Parks Department post and with regards to the trail and slippery when wet there's no other posting that I'm aware of on the trails system with regards to slippery or icy and the condition for the winter time stuff.

**Trustee Condella** - right I know were going to be making some signs for the bridges  
**Mayor**- I know we talked about that at Public Safety and were going to have signs on the Bridges that they could be slippery, but as far as clearing the trail we close the steps down cause we don't maintain the steps . So, I don't think we need to block off the bridges. I'll don't think we need to block things off.

**Tim** - nothing is planning to get blocked off. Just a matter of we don't currently plow any snow on anywhere on the trail system. Are we going to treat the new section as such are we not going to remove the snow and leave it snow covered like the rest of other trail system or do we section or plow to the other side of the bridge where it connects to the trail system? I did speak with the snowmobile club representative they are aware that the fact that they can't cross the bridge cause the condition of it. It's not feasible for them to really try to so they are willing to park anywhere on the trail. Side of the across the bridge on Lake Street if they planning or excess the restaurants and walking into downtown. So, there not planning on a crossing that bridge.

**Atty.** - Are you going to put a sign at each end of the bridge, saying no snowmobiles.

**Tim**- we can it

**Atty.** - would probable be a good idea.

**Mayor & Tim** - a

**Tim** - that was discussed with Brent back when he was still here in regards to doing that.

**Atty.** - okay

**Trustee Benedict** - Time the new bridge is east of the Main street bridge that's used by the snowmobiles, correct?

**Tim** - you're talking the one that goes by Water Street down

**Atty.** - no over by Birkett Mills

**Mayor** - Birkett Mills

**Tim** - Birkett yes - yes Birkett is a snowmobile trail that bridge wasn't in question. Don't to any maintain on that one

**Trustee Benedict**- Ok

**Tim** - that's never been touched

**Atty.** - are those surfaces of the bridge conducive of having snowmobiles going across them with little or no snow.

**Tim** - no we regulate the access of the snowmobile depending on snow conditions.

**Atty.**- Ok

**Mayor** - alright

**Trustee Hoban** - how do we do that

**Tim** - there's sign on the trails system already One at Cherry Street One at Boat launch

**Trustee Hoban** - Ok thank you

**Trustee Spencer**- Ok I'm unclear to me, if the bridge is left open then it has to be maintained.

**Tim** - no what we're getting at that we don't maintain any section of the trail system. Are we treating this new bridge way at as such as it's part of the trail system then it will not receive any maintenance or do, we want to go forward having the DPW maintain that section only being as walkable?

**Trustee Spencer**- hat's my point if were not going to maintain then I think we need to block it off because otherwise we're liable for someone.

**Tim** - correct - correct we have the railing is up for the section there from the transition from the bridge to the trail the sidewalk. Were do we go from here.

**Atty.** - if you block that bridge off then people are going to possible walk down from Water Street and then they go to a dead end.

**Trustee Spencer**- the bridge is being used a lot and I'm sure it will be used during the winter.

**Atty.** the only thing I'm in favor of is prohibiting snowmobiles coming across there behind Ray

**Trustee Condella**- is there a small hill behind there coming across that bridge

**Trustee Spencer-** yes it could fit

**Mayor-** Well if we have 4' of snow from the 1<sup>st</sup> Jan till end of March that would be one thing, but we don't have maybe we will this year, but we don't have snow event that often here that it will make it impassable.

**Tim** - correct

**Mayor** - people walk the trail all winter long we don't maintain it.

**Tim** - yup true

**Mayor** - I walked down there

**Trustee Stewart** - Do people ski on the trail

**Mayor** - yes

**Tim** - yes, they do

**Trustee Spencer-** what about the sidewalk it's self-Tim that's technically part (garble) the sidewalk it's self-who's going to keep that snow free

**Tim-** No that's my point. This new sidewalk and bridge are part of the trail system. Do we want to maintain there and clear them snow over to the outlet Trail or are we going to treat it as such as we do the rest of the trail system? Were we don't do any maintain and closed off at Water Street sidewalk up at the Street and close off at the bridge? If we close off the bridge the sidewalk will be closed off to

**Trustee Spencer** - right I understand

**Atty.** - I don't see any point in that. I think snowmobiles need to be kept off it

**Tim** - I'm fine with that

**Atty.** - Thank you was that sufficient discussion on that subject I think so

**Trustee Spencer** - so were not going to maintain and snow free were just going to prohibit snowmobiles to been the bridge and sidewalk.

**Mayor** - yes, I think so. We're not going to be maintain the other side thru trail on the other side or any of that.

**Trustee Spencer-** Ok

**Mayor-** I think I know it's a new thing so there maybe additional foot traffic. That will have to see how the winter goes.

**Atty.** - we can address those bridge after the winter is over or if there is damage to them with snowmobiles or what ever and we can readdress it.

**Mayor** -Ok Thank you have more things on your agenda here Mr. Brockman

**Atty.-** I do.

**Mayor** - Looks like SEQRA - oh gosh those old SEQRA'S they'll get you every time

**Atty.** - this has to do with the lot the Village discovered they owned by the corner of Sherman and Kennedy and the we have been playing with. I've been working on this for awhile we had a primarily survey done. Most of you saw several months ago and after we had an evaluation done of those lots. I met with the surveyor and he put some lines on the primarily map . I believe you should have a copy of that to look at this evening and if you have that in front of you, you'll see at the top is Kennedy Ave and over on the right is Sherman and there's two lots that will be available for sale each of them just under ¼ acres and these lots are substantial larger than the minimum lots size out in the that area. Which is a R1. Those lots are minimum 78000 sq feet and these lots are over 9200 sq feet. So, there good size lots, beautiful building location for home and should be able to sell readily easily and over on the left side of the map you're looking at. You'll see an area that has on the right side solid lines and several dotted lines over on the left that is an area which Dan Condella and I have been discussing with regards to purchase by the lady next door and on the map says Sandy Mashewske her name now is Sandy Scofield and she wants to purchase that area and we have actual arrived at a purchase price for her and that's subject to approval by the Board of Trustee's for the sale tonight and also obtained from Jamie a waiver for subdivision requirements handling this is a lot adjustment as you will see on left hand side of the drawing there's two set of dotted lines that indicates there are boundary lines issues. There and by Miss Scofield purchase that trapezoid shape piece of property that will correct the boundary line probably there. The other two lots before there put up for sale. We need to or I'd like to go through the Planning Board for a minor subdivision for the approval of the sale of those and be able to break those two lots up. That being said previously declared this to be an unlisted action and that means we have to do a SEQRA and you have copies of that before we start the SEQRA are there any questions or comments on this subject matter. No Ok then look at the short Environmental Assessment Form. Part 1 Project Information and if you'll follow along. Atty. reviewed in full the SEQRA (open attachment)





SEQRA for Vacant  
land Sherman St an

**Atty.** - Ok that being said will move on to the Resolution which you should have before you and that Resolution adopts under #1 adopts the SEQRA and authorizes and directs the mayors to execute it. Which will do at a later date or he can execute the one he's got there. # 2 the Board of Trustee approves the sale of the two building lots as well as the parcels to the neighbors Scofield to the purpose of building a garage. Sale of the two building lots to be listing with a real estate broker and obtain the most adequate price. The final term if sale will be subject to the Village Mayor and Village Clerk/Treasurer and the Village Attorney. Mayor is further authorize and directed to execute such document as is necessary to effective the sale of such parcels as specified in such by here in. Basically, what paragraph two is saying is that from now on it's going to be up to the Clerk/Treasurer, Mayor and myself to go forward the sale of these lots. So, by adopting this Resolution the Board of Trustee will not have any more input on this and let me just comment that we had the appraisal done by a realtor Dick Murphy who is an experience realtor Broker in the area and did not charge us for the appraisal and he has indicated that if he is the listing agent he would receive no commission on the transfer with Scofield because that was essential done before he became involved and also with the commission he would charge on those two lots for each one would between \$1,500 to \$2,000 total. I believe that is what he said. So, in any event if there is any question at this point, I'll try to answer them or I-all try to answer them. If not a motion to adopt the resolution would be appropriate.

**Trustee Condella** - also move

**Trustee McLoud**- I'll second

**Mayor** - Motion Mr. Condella, second Mr. McLoud any other discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** - Thank you Mr. Brockman

**Atty.** - Mr. Condella and I will get ahold of Mrs. Scofield, hopefully we can draft that up before the end of the year. I know she wants it done by the end of the year by January meeting as we stand on the overall picture of that property up there. Thank you. I also have a proposal Resolution before you with respect to the creation of permanent Community Art Committee the AHOC committee has been working on this over the last 6 months or so and we have proposed guideline permanent regulations whatever you want to call then and one of the important parts is to create a purpose for the Art Committee would be proposed of 5 members all appointed by the Mayor subject to confirmation by the Board of Trustee and that would consist of two Trustees, one member of the Historic Preservation Commission and two members of the Yates County Art Community. Weather their artist, art teachers at the Penn Yan School or Art Professor's at Keuka College and in your Resolution, you'll see the terms on that committee would be staggered. If there's any questions, I'll try to answer them. We had a Planning & Development meeting yesterday and I suggested we keep moving forwards and finalizing these call regulations and also strongly urge that we have a district set up, weather it's a mural art on walls or free standing art and also near the end. Last month or so we added Parks so, we should keep moving on that and hopefully we will further the committee we have members with the Art Permanent Art Committee on the next couple of weeks and keep this thing moving along. So, timely possible have something reads to go for the Community

**Trustee Spencer**- I'll make a motion to authorize Resolution 67-2020 Creation of Permanent Community Art Committee

**Trustee Hoban** - I'll second

**Mayor** - Motion Mr. Spencer, second Dr. Hoban any other discussion I will have the other appointments for our next. I don't have them this is thanks the Art Committee Ray and all the work on this. Good path any other discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor**- Well that's all the SEAF you have Mr. Brockman

**Atty.** - Could do one of these long forms just for practice.

**Mayor**- for practice maybe next

**Atty.** - maybe next year right. That's it we have a couple of other things later on that we can talk about. That's it for my Thank you

**Mayor**- Thank you very much the CRC we do we had activity at the CRC. We had a grant loan that we gave to Milly's Pantry for façade work. They have since run into some delays in the project. I'm sure it's contractor or DRI wear the elevator is going to be for one reason or another of all of the above. They ask if they could withdraw their application and in doing so when we executed the grant loan, they prepaid the loan portion back. So, there's money to be returned to them. So, if we should get a motion to withdraw Milly's Pantry.

**Trustee Condella** - I'll make a motion

**Mayor** - motion Mr. Condella, do we have a second

**Trustee McLoud** - I'll second

**Mayor** - and second Mr. McLoud nay other discussion on this

**Atty.** - Just a comment on this certainly then can get squared away with renovation they can come back and reapply

**Mayor** - absolutely yes Thank you Mr. Brockman there's no more discussion. I'll call Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** - oh additionally we do have a Façade Business application. CRC approved for a grant portion for the Façade window work façade to be done at 114-116 Main Street that should be quite an impact for Façade Improvement there.

**Atty.** - that's a good comment the total cost is in excess of \$100,000 a lot of good work on that. The reason we only

**Atty.** - focus on this the windows it doesn't really indicate that there, but the windows alone are about \$38,000 for purchase of there replacement windows and installation of them.

**Mayor** - yes, the contractor applications received have the entire scope of all their work of interior and exterior so that really need to narrow down the applications for amount. So. we can compare but the recommendation is to approve the façade grant there.

**Trustee Benedict** - I'll make that motion

**Trustee Stewart** - I will second it

**Mayor**- motion Mrs. Benedict, second Mr. Stewart any other discussion.

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Atty.** - can I make two more comments

**Mayor**- yes please do

**Atty.** - one we previously the Board if Trustee previously approved a grant to the people who own the car wash out by Knapp & Schlappi that was condition upon them having their contract being approved and be on the appropriate list. One of them was approved how ever the other on which is Proctor roofing never submitted their application to be on our list and I know Jamie talked to Jamie then. Right Jamie

**Jamie**- yes actually I think Katie received the application already. I will have to ask her but I think she received it now

**Atty.** - as of yesterday she had not but if she got it today all the better, they can go ahead and do that, but in any of event. If you want to check with her tomorrow and if she has received it maybe you can touch base with either Jerry or Mrs. Proctor and see what is going on there. So, to make this for the car wash people.

**Jamie**- I will Ed there may have been a piece of information with Kelly Proctor and maybe that was the only problem. I know they filed it out.

**Atty.** - alright Thanks for following up on that . The other thing I wanted to comment is that Katie Tomlinson is sliding into the job of the CRC stuff very well and I'm very happy that she's interested in it. She seems to show a lot of interest on learning how to do it and it wasn't the easiest thing to get a grasp - cause there's a lot of global gook a gob to have to do with it.

**Mayor** - she's doing a great job.

**Atty.** - she's doing very well. Thank you very much

**Mayor** - Thank you alright Municipal Mr. McLoud do you want to run us through this portion

**Trustee McLoud** - yes, I'd like to request a motion to authorize the Director of Public Works to execute any and all agreements with the NYS DOT for the state's construction project and Phase II for the Pedestrian Safety Action Plan.

**Trustee Condella**- second

**Mayor** - any discussion

**Trustee Benedict**- I have a question it said in that document the works supposed to be completed by November 1th of 2020 has the works been done or ready

**Mayor** - this is for the contract that is working for the state on the approved crosswalks. Oh, Tom's here

**Tom S.** - a that work was done this summer now there's two spots where they dug up the sidewalk on Main Street. It has cold patch put in place as a temporary fix, that's because of litigation for the contractor. All the work has been done except for those two few spots

**Mayor** - Ok Thanks you any other

**Trustee Benedict**- I guess I'm confused as to if were approving g some kind of contract. Why didn't we see this before the project work began? That we had in November 2020 deadline

**Tom S.** - that would put them really nice to know that if they came in and had per electric crew move or add an electric lines to their project which we had no idea that they were coming and doing. DOT never notified us they were coming and adding all the crosswalks signals with sound. I probably would have signed all the paper work ahead of time, but we invoiced them for the work that we had done and they sent us all these documents for us to sign.

**Trustee Benedict** - Thank you

**Mayor** - these documentations are a result of invoices and in order for us to get paid. We have to complete these documents - correct

**Tom S.** - yes that's correct

**Atty.** - to be backwards it's the State of New York right

**Mayor** - any other discussion Do we have a motion

**Clerk** - yes

**Mayor** - I guess were ready for a roll call

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 Resolution No 66-2020 Authoring the Municipal Official to Enter into agreement with the NYS DOT

**Trustee Spencer**- second

**Mayor** - discussion

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 Village of Penn Yan to enter into a five-month contract with Dude Solution for Asset Essentials and Capital Predictor software at a cost of \$18,569.07

**Mayor** - do we have a second

**Trustee Benedict** - I'll second

**Mayor** - motion made by Mr. McLoud, second Mrs. Benedict any discussion

**Trustee McLoud** - I have a question. Tom, can you go through for us the implantation and service so what we are asking. Getting for the virtual for a service request. It say for 2 days for \$400.00 consulting for 9 days is \$12,397.00

**Tom S.** - So, the 1<sup>st</sup> consulting fee was just for asking essential and that's just an all the data we are collecting. Now on all our assets we put into a spread sheet and then they impact that into the assets management plan and then there some days changing some fields customizing to fit our assets and our preventive maintenance plan and our work orders of what we want then to look like and the other 9 days consulting fee is the actual training of the admin. people and training the staff on how to use the mobile app. and also how to take the data that were going to import into a capital predict portion of it. A big portion and be able to use a make draft to communicate our capital needs to the Board members so that's the 9 day Consulting fees once we are trained on that it's a onetime fee so as we ramp this up if we like this cloud base software upward to management to our assets. We will be able to use that in all of our other Department. It's just a onetime fee actually use- there's software.

**Trustee McCloud** - Tom this implantation working start out with 1 modular correct and at the Wastewater Treatment plan. We are not implanting across all the different teams are we.

**Tom S.** - that's correct So, the one modular covers Water Treatment which is Wastewater Treatment and Water Treatment there packaged it. Just covers both at first, we were really focusing on the Wastewater Treatment Plant because it has the biggest needs at the moment but, were also with the Water Plant.

**Trustee McCloud**- ok do you think were going to need 9 days of training for the Wastewater Treatment and Water Treatment Plant

**Tom S.** - So, if we don't use up all those hours learning how to use the capital predictor as we ramp this up with other department permits will be able to use some of those hours going forward.

**Trustee Benedict** - Tom I have some questions. So, this software would capture things down to the size of computer and desk and chairs but, also all of the main component of the building like the electric system there heating their ventilation and air conditioning, the roof, windows and come up with time line for the current condition of those systems and then the putting together capital replacement plan is that what this will do.

**Tom S.** - yes and actually has an end of life cycle component to it. So, you to tell us. You know what that assets is and how critical that assets is that to the operation what replacement cost is for that assets and how long you have had it. So, if it's 30 years useful life and you had it for 20 years it will let you know that you should start setting aside capital money to replace that assets in 10 years. It will also track how much time and material you were putting into an assets. So, if you get to over 50% of replacement cost on a assets it will prompt you and ask you if you want to continue maintenance or would you want to place it.

**Trustee Benedict** - Thank you

**Trustee Hoban** - Tom is this expense budgeted

**Tom S.** - we actually didn't budget for a cloud base software and this training that's why we actually ramped it all the way down to this PILOT program. I've used a similar program it was called infour and I used one of app.'s. as a comparison on price and inform was a lot more expensive and it's really just geared towards municipal government utilities.

**Trustee Hoban** - So, how are we paying for it. Not only these but the \$11,000 a year the fee.

**Tom S.** So, the recurring fee would be in June for that. We would budget for that and will budget for all the departments that we think we could wrap it up in next budget year. So, this will be split between the water and sewer.

**Trustee Hoban** - So, is it paid for or do we have to find money.

**Tom S.** - we will be able to find money for it. I'm sure Gary when we were debating this between Gary, Melissa, Holly and I. He didn't feel we had money for it. I think we pushed it off till next year. You know this is a tool that will help us not have to get back a lot of capital money to our wholesale customers it shouldn't make us a lot easier for them to set rates for there user if were not setting aside capital money and then turn around and then given it back to them.

**Trustee Hoban** - I would have been more comfortable if we saw a projection of how this is going to work. Were we going to pay before were coming from \$18,000 in on a COVID year is kind of tight?

**Trustee McCloud** - Tom are their other projects that are going to put off or another where's the money coming from. Just wondering how is it going to affect and other things.

**Tom S.** - You know Yvonne we have been looking at it with Yvonne and it's really be able an operation maintenance cost and it's not like we don't have dollars set aside for that we couldn't use to purchase this software training and were splitting it between water and sewer so

**Trustee Condella**- what does Elliott think of the program being our engineer

**Tom S.** - pardon

**Trustee Condella**- Elliott think of the program for of Dude Solutions. Does he have any

**Tom S.** - yes Elliott was asked about it. At the last MUB meeting and he believes it actually the asset management plan is needed and actually I had someone else an engineer post a question that the DEC is going to start requiring Wastewater Treatment Plant to have a management plan. It hasn't come out yet but It's in the near future. If

we get this implemented, we will be ahead instead of being told we have to have one. We would already have selected one.

**Trustee Hoban** - and do we now this one will meet the requirements of what the DEC wants

**Tom S.** - yes that question was already told - yup

**Mayor** - well any other discussion

**Trustee Benedict** - it sounds like the municipal one is catching up with school district and the building condition survey plans if we have to put together for 15-20 years.

**Mayor** - yes ok well any other discussion Roll Call

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – no motion carried

**Trustee McLoud** - I'd like to request a motion to approve Utility Payment Agreement in the amount of \$2,928.84

**Trustee Spencer**- second

**Mayor** - second discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Mayor** - Thank you Kevin Administration Mrs. Benedict

**Trustee Benedict** - I'd like to make a motion to approve the warrant

**Trustee Spencer** - second

**Mayor** - second any discussion

**Trustee Benedict** - bear with me for a moment

**Mayor** - certainly

**Trustee Benedict** - while I get my calculator out. My apologizes the total amount should be for correct audit \$170,368.82 for the total audit \$353,365.49. Either that or Gary there some missing numbers that's not quite right in the current audit as number or funds. I guess I'll stand by the \$353,365.49

**Clerk** - I'll check that out tomorrow with Sonja's.

**Trustee Benedict** - ok Thank you

**Holly** - look like General funds line is not correct should be \$150,963.16. it's missing a zero

**Trustee Benedict** - alright thank you Holly so the \$488,366.49 is correct total

**Trustee Spencer** - so it's correct as we have it

**Trustee Benedict** - it's just the number been recorded in the agenda in the general fund line is not correct

**Clerk** - ok

**Trustee Spencer** - got it

**Mayor** - ok thank you for clarifying that. We had a motion Mrs. Benedict and second

**Mr. Spencer** - I believe

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Trustee Benedict** - I'd like to make a motion to declare one non-functioning Dell desktop printer model 2350PN as surplus and to dispose of appropriately.

**Trustee McLoud** - second

**Mayor**- Motion Mrs. Benedict, second Mr. McLoud

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried Thank you

very much Carolyn. Public Safety Mr. Condella

**Trustee Condella** - Ok down to the monthly Police Department report. Looks like our numbers are down a little bit from last month 533 total. Chief do you want to add anything to that or everything is good

**Chief Dunham**- nope It was a little lower which more of a normal number from last month which was pretty high. I did just want to add that no shave November raised \$565.00 that was donated all to the Penn Yan Music boosters. So, thanks to everyone that was involved in that.

**Trustee Condella**- yup that was great

**Mayor** - Thank you guys

**Trustee Condella** - and I'd like to make a motion to authorize to set a Public Hearing for Tuesday January 19, 2021 at 6:05 pm regarding the Proposed Penn Yan Police Reform

**Trustee Spencer**- second

**Mayor** - motion Mr. Condella, second Mr. Spencer any discussion Chief this looks great and thank you will review it on the 19<sup>th</sup> of January, 2021

**Atty.** - Mary Ann you do have that notice of Public Hearing

**Clerk** - yes sir

**Atty.** - Do you want to send that to the paper

**Clerk** - I can

**Atty.** - maybe you'll have more luck getting it in there than we do

**Clerk** - ok

**Atty.** - we will send over a proof of posting and if you'll put it out on the bulletin Board around the 6<sup>th</sup>, need 10 day notice on it.

**Clerk** - ok

**Atty.** - thank you Mary Ann

**Mayor** - ok any other discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart –

**Trustee Stewart** - my computer froze up- what are we voting on

**Atty./Mayor** - just say yes

**Atty.** - the Public Hearing for the Police Reform matter

**Trustee Stewart** - yes

**Mayor** - Thank you Rich - yes Dr. Hoban yes carried Thank you

**Trustee Condella**- is that it Chief

**Chief Dunham** - yes sir

**Trustee Condella**- Thank you

**Mayor** - Thanks

**Trustee Condella** - down to the Fire Department Frank I see your name up on the Board

**Frank** - I'm here can you hear me now

**Trustee Condella** - yes, I can hear you good to hear your voice anything you want to add to your Fire Department Chief report

**Frank** - you can see numbers down a bit. 3 months prior we were up pretty high. I don't know people being home more or what a little but this month and last month to. I guess I just want to make a comment to all the Board members know I sent letters to Penn Yan Elks, Penn Yan Moose and Penn Yan American Legion and they donated \$13,000 to us to by new pagers. We were having so much problems with are old pagers and that was able to give one to every single person in our department

**Mayor**- Thank you Chief Trustee Hoban - good

**Mayor** - nice job Frank

**Frank** - Thank you

**Trustee Condella** - request a motion to remove Alex Gurba from the active roll effective December 4, 2020

**Trustee McLoud** - second

**Mayor** -Motion Mr. Condella, second Mr. McLoud any discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Trustee Condella** - a motion to authorize Resolution No 68-2020 Awarding LOSAP points to Volunteer Fire Fights and other Qualified Volunteer Emergency Responders during the Pandemic.

**Trustee McLoud** - second

**Mayor** - motion Mr. Condella, second Mr. McLoud any discussion

**Atty.** - do you want explanation on this

**Trustee Stewart** - yes

**Mayor** - go ahead Mr. Brockman

**Atty.** - the LOSAP which courses the length of service award program. It like a retirement system for volunteer firefighters and order to qualifies from year to year for the benefit to accommodate the firefighter as to have so many points accumulated during that year and the points are based upon the amount of activity and service they provide to the fire Department, obviously during the COVID there has been less opportunity for not

only training but also for probably equipment maintenance work by the volunteer so forth as a result of that the Staff of NY adopted a section of law. General municipal law which allows the grant certain number of point addition to the one the fire fighters actually earn this year and the fire department has indicated, I think . I recall they want to reward additional 12 points to 5 points. Is that right Frank

**Frank -12 points**

**Atty.** - 12 points ok an additional 12 points to whatever points the Volunteer have accumulated by there services to so this folks can quality for their credit for the year 2020 and not be penalized because of the pandemic. I think that it in a nut shell

**Mayor** - the Chief provided a list of the missed meetings and drills to the Public Safety Committee and the Public Safety Committee determined 12 points should be granted.

Thank you, Mr. Brockman- 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 Condella**- and last but not least Code Enforcement. The monthly report anybody have a any question on that . Jamie, would you like to add anything that to that.

**Jamie** - nope been very busy. I appreciate the Boards patience with this. Trying to get them caught up

**Mayor** - Thank you Jamie

**Trustee Condella** - yes Thanks we appreciate it that's it for Public Safety Mayor

**Mayor** - Thank you Dan Public works Mr. McLoud

**Trustee McLoud** - I'd like to request a motion to authorize the mayor to sign the one-year lease with Joe Patchett for the property off Himrod Road beginning January 1, 2021 and ending December 31, 2021, at a cost of \$600.00. Same terms and conditions as the previous year.

**Trustee Condella**- second

**Mayor** - any discussion

**Atty.** - how many tillable ground is that does anybody know

**Holly**- 16 acres

**Mayor** - 16

**Atty.** - has anybody looked into the going price for renting corn ground that seen low

**Tom S.** - actually Ed, we compared it to the Village of Naples and the plant crop down here

**Atty.** - Okay

**Atty.** - Okay that catch fine glad thank you did that Tom

**Mayor** - do we have a motion and second on that one

**Clerk** - yes

**Mayor** - I'll ask the question

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried Thanks

**Trustee McLoud** - I'd request a motion to authorize the mayor to sign the rental lease agreement with Kevin Mortensen for the renting of the cemetery house located at 361 Elm Street for \$575.00 per month January 1, 2021-Decemebr 31, 2021.

**Trustee Condella** - second

**Mayor** - motion McLoud, second Condella any discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Trustee Hoban** - what ever happened with him wanting a service animal. Is that dead in the water.

**Mayor**- yes

**Trustee Hoban** - ok thank you

**Tom S.** - I just like to add one thing to that we did deny the dog. I added this year another lease- sorry another tenant. He has someone staying there that down there as one of the occupants.

**Mayor**- yes thank you, no dogs 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** - I'd like to request a motion to authorize a rate of \$6.00 per square foot for the 2021 sidewalk improvement program. No rate change from last year.

**Trustee Condella** - second

**Mayor** - motion McLoud, second Condella any discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried Thank you

Planning & Development Mr. Stewart

**Trustee Stewart** - yes at our meeting for Historic Preservation meeting last week. The commission denied Mr. Iversen proposal to demolish the house at 120 Wagener St. Mr. Iversen has appealed that and we have to follow our new appeal procedure. We have to plan and have a hearing and Mr. Brockman. Correct me if I'm wrong it has to be within for the calendar in the procedure it's got to be no less than 14 days after Gary receives the appeal and no more than 30 days after he receives the appeal

**Atty.** - your correct Rich

**Trustee Stewart** - So, that make it. I believe it makes it the 1<sup>st</sup> available. The way I read it the earlier we could have it is December 24<sup>th</sup> which is Christmas eve.

**Atty.** - Monday the 28<sup>th</sup> Friday the 8<sup>th</sup> of January

**Trustee Stewart** - So, it's not during a regular meeting our meeting falls outside.

**Atty.** - I had original said that it would work on the 19<sup>th</sup> but there's no way. I must have been.

**Mayor** - it has to be done by the 8<sup>th</sup>. The question is when can we all do this between the 28<sup>th</sup> and 8.

**Atty.** - I sure you don't want to do it Christmas week so that means the week of the 4<sup>th</sup>.

**Mayor** - I would think we would be looking at week between the 4<sup>th</sup> and 8<sup>th</sup>. What days are good

**Atty.** - question is whether you want to do it during the day or the evening. Keeping in mind the applicant or the Historic Committee has the right to be there and we have to give her notice and the Historic Commission has the right to have someone present to present their case. So, whether you want you do it in the day time or the evening. I can not do it the 5<sup>th</sup>. I have a town Board meeting in Naples that night.

**Mayor** - would we care to try to do it during the day or what's the Board feeling.

**Trustee McLoud** - Leigh is this going to be Zoom or in person

**Atty.** - I don't know how we can do it in person it's our policy to do by zoom now.

**Mayor**- I think we still got to zoom for short term for now

**Atty.** - that's the policy right now if deviate it would be a mistake

**Mayor** - Oh yes

**Trustee Hoban** - is this something the public would want to come to, so do after busy hours

**Atty.** - it's Public Hearing

**Trustee Hoban** - I know is it something likely be attended. So, we should do it in the evening. So, people aren't at work

**Atty.** - well that's one of the fact

**Mayor** - what day is good

**Trustee Stewart** - Leigh any day is good except January 4 - 8, day or night

**Mayor** - ok

**Trustee Condella**- same with me Mayor

**Mayor** - alright

**Trustee McLoud** - same for me Leigh. I can make it

**Atty.** - I'm good any night except Tuesday the 5<sup>th</sup>

**Mayor** - the 5<sup>th</sup> Ok

**Trustee Benedict**- Monday, Wednesday or Thursday during the day the twins would probably join us otherwise. I have no night commitments that week.

**Atty.** - I suggest evening not only Public but whom every is coming from Historic Preservation may work doing the day possible. I don't the answer that

**Trustee Benedict** - Will there be planning and Development Monday night

**Clerk** - No that's just planning is the 4<sup>th</sup>

**Gary** - the Planning Board is the 4<sup>th</sup> at 7:00pm

**Trustee Benedict** - that's what I meant Thank you Gary

**Mayor**- Thank you yes

**Trustee Spencer** - Do far Wednesday night

**Atty.** - if that is good one Mayor - Wednesday the 6<sup>th</sup> what time



**Atty.- 6**

**Trustee Benedict** - Teresa how early do you get done with patients on a Wednesdays.

**Trustee Hoban** - on Wednesday. I'm good I get done at work at 2. So, I can do anytime 2 or after

**Trustee Benedict** - Should we do 6 o'clock then since it's our normal evening time

**Trustee Spencer** - yup

**Mayor** - so we would get a motion to have a Public Hearing on the Historic appeal on the 6<sup>th</sup> of January, 2021 at 6:00 PM.

**Trustee Condella** - I'll make the motion

**Trustee Hoban** - I'll second

**Mayor-** motion Mr. Condella, second Dr. Hoban any other discussion - Rich your back did you hear us talking about January 6 at 6:00 PM.

**Atty.** - Hit your mute

**Trustee Condella** - your muted Rich

**Mayor-** Ok well we can start with roll call and Rich can join us in a minutes.

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McCloud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**Trustee Spencer-** there he is - he's back

**Mayor** - Rick we just were talking about a motion for January 6 at 6:00 PM and were having a roll call. Ok got a thumbs up from him. Motion carried unanimous any other business their Rich

**Atty.** - I just want to commitment on that last matter Mary Ann I'll be in touch with you about taking care of the notification and doing a notice of Public Hearing on it.

**Clerk** - Thank you

**Mayor-** Any other public request question or comments before we adjourn and go into executive

**Carlie** - yes

**Tom S-** yes, I just want to comment earlier I was answering my wife she was asking me a question and I somehow unmuted myself and I over talked somebody so I apologize it was during the talking about mowing.

**Mayor-** Ok thank you

**Tom S.** - didn't hear too much of the conversation

**Mayor-** Ok thanks you Carlie

**Carlie** - yes, I do have two questions. I will keep them simple. The Art Committee just wondering are there any stakeholders from the community like the Chamber Commerce or business owners that can have input with that as well. I don't know if that something you can consider so that can so that they

**Atty.** - anyone can have input

**Carlie** - right but local long standing people that have been through the History of Penn Yan. It's just a thought to consider

**Mayor** - ok we will

**Atty.** - we have already had one suggestion for improving a facade that's the ugly brick concrete wall behind the Water Street lot where Mr. Iversen is going to build apartments.

**Carlie** - yes, I was there at that meeting where you talked about that.

**Atty.** - So, certainly anyone who wants input can have it and the purpose of having a permanent Art Committee is for there folks to meet and have input from the Community and guide the Art direction. Should be appropriate to process and when we get the regulations in lace those will be the guidelines for the permanent Community Art Committee

**Carlie-** ok Thank you the second this is I heard Teresa's concern of the and comments she made of Water Treatment software and I think as a tax payer. I would like to see how much is the total cost, what is the on going cost to the tax payer. Is there another way that we could purchase less expensive software that would accomplish the same thing? Our community is struggle and we have unemployment job loss, food banks are feeding our population right now and there's uncertain ahead. So., I know you consider all these things when you vote on expensive projects that aren't in the budget. So, I don't know if there's a way, we can in the future plan ahead for things like that or just consider less expensive things so that it just not a burden on the tax payers that are really struggle right now.

**Mayor** - yes, they are thank you Carlie

**Carlie** - Thank you

**Mayor** - So alright

**Trustee Stewart** - Mr. Mayor

**Mayor** - yes Mr. Stewart

**Trustee Stewart** - you hear me now

**Mayor** - yes, we can

**Trustee Stewart** - ok I did have something else for the Planning & Development

**Mayor** -ok

**Trustee Stewart** - next month in February are meetings fall on a Holiday. So, were going to move these to the Monday before our regular meeting. Which would be the 2<sup>nd</sup>. Monday of each month of January and 2<sup>nd</sup> Monday of February

**Mayor** - Ok

**Trustee Stewart** - Ok

**Mayor** - Thank you

**Chief Dunham** - Mr. Mayor if I could make a quick comment as well

**Mayor** - yes

**Chief Dunham** - I just want to let the Board know that a family of a local family reach out to the Police Department and asked for help for Christmas for someone that was in need and the PBA agreed to step up and provide the two kids in the family and the family with toys, gifts and clothes and towels. Just wanted to mention that and that the Board was aware of that.

**Atty.** - very nice that's great for you guys to - guys and girls

**Trustee Hoban** - Thank you

**Trustee Condella** - nice job Tom , Chief

**Chief Dunham** - Thank you

**Trustee Condella** - if there anything we can do let us know

**Chief Dunham** - I appreciate that

**Mayor** - yup

**Trustee Benedict** - let your staff know we appreciate their wiliness to reach out to the community like that

**Chief Dunham** - will do

**Mayor** - any other business before we entertain a motion to adjourn and enter into Executive session or go to Executive Session

**Trustee Hoban** - I would just like to say something about this Dude Solutions thing

**Mayor** - yes

**Trustee Hoban** - my reason for saying no was not. No confidence in Tom but I really thank in something that expensive comes in front of us. Just like Tom did with the Police Department. We should have a breakdown. How are we paying for them where's it coming from where we getting it? It's Tom's responsibility to be in charge of the Department and let us know what this is. We had the proposal we didn't have any more information about it we had to make a decision on the fly and I really think that it could have been put together as a proposal. It could have been put together as something we all could looked at and were spending that kind of money, we need to be more accountable. I don't know were this is coming from. I don't know how were paying for this. So, in the future I would think if we were going to think about spending that kind of money. Department heads should have to tell us how. Why and were it's getting paid from. Do a presentation

**Tom S.** - yes those are all good points. So, this is really a PIOLT and when we do the budget this year and we want to roll this out in all the other Department. We will do exactly that Teresa.

**Trustee Hoban** - Thank you

**Toms S.** - We will have a little workshop and make sure this is the direction that we want to go. I have confidence this is going to be great tool for us to help maintain our assets. So, I'll make sure that happens.

**Trustee Hoban** - Ok thank you I appreciate that but I wanted to explain my no. So, thank you for that Tom

**Tom S.** - Thank you Teresa

**Mayor** - Thank you both. I'll just sit here until somebody says something.

**Trustee Benedict** - I'll make a motion to enter Executive Session

**Trustee Hoban** - second

**Mayor** - Motion Mrs. Benedict, second Dr. Hoban any discussion

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,

Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**EXECUTIVE SESSION:**

At 7:51 PM, **MOTION** by Trustee Benedict, seconded by Trustee Hoban to enter into Executive Session including Atty. Brockman, G. Meeks and H. Easling.

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,  
Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 8:10 PM, **MOTION** by Trustee Spencer, seconded by Trustee Benedict to leave Executive Session and return to regular Village Meeting.

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,  
Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

**ADJOURNMENT:**

At 8:11 PM, **MOTION** by Trustee Spencer, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

Roll call

Mr. Spencer – yes, Mrs. Benedict – yes, Mr. Condella – yes,  
Mr. McLoud- yes, Mr. Stewart – yes, Dr. Hoban – yes carried

