

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 19, 2021 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527 (Streamed via Zoom)

**PRESENT** Mayor MacKerchar; Trustees 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 M. Gerhardt; Police Chief T. Dunham; CEO J. Kincaid; Fire Chief F. Ellis  
At 6:02 PM Trustee Hoban joined  
At 6:04 PM Trustee C. Benedict joined  
At 6:26 PM Municipal Commissioner D. Banach joined

**ABSENT:**

News Media present: None

**PUBLIC:** Maggie Kessler, Carlie Chilson, Sarah Purdy, Mike Christensen, FLARCA- Roxie, Kristin Boggs and phone number 879-0089

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

**Mayor** – Welcome everybody, we do have a Public Hearing on the Police Reform set for 6:05. So, I'll do a few minutes of filler here. I see Maggie Kessler is here. I was going to talk about her not to her, but I'm glad to see you here. We have a downtown Art Committee and there's five seats on that and I have four tonight. Maggie is the newest member of our Historic Preservation Commission. Eager to get involved. She wants to be on the Art Committee as well. I thank you. I would like to appoint for that committee Rich Stewart, Ray Spencer, Maggie Kessler and Bob Gillespie.

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

**Trustee McLoud** – I'll second

**Mayor** – Motion Mr. Condella, second Mr. McLoud any discussion. Welcome Dr. Hoban. We have a motion on the floor, to for the appointments to the Downtown Arts Committee. Rich Stewart, Ray Spencer, Maggie Kessler and Bob Gillespie. Do we any other discussion if not I'll do a roll call.

Mr. Spencer - yes Mr. Condella - yes Mr. McLoud - yes Mr. Stewart - yes  
Dr. Hoban - yes Absent Mrs. Benedict Carried Thank you

**Mayor** – Let's - Executive Session, do we have a need for Executive. I would like to have a Closed Session at the end for legal counsel.

**Trustee Spencer** – I'll make a motion that we go into Close Session at the end for legal counsel.

**Trustee Stewart** – I'll second it.

**Mayor** – Motion Mr. Spencer, second Mr. Stewart any discussion

Roll call

Mr. Spencer - yes Mr. Condella - yes Mr. McLoud - yes Mr. Stewart - yes  
Dr. Hoban - yes Absent Mrs. Benedict Carried

**Mayor** – Well we could have – we had a chance to look at our minutes – we could approve our minutes of December 15, and our Special Board meeting of the December 29 and January 6, 2021. Any changes or corrections to those minutes.

**Trustee Spencer** – I'll make a motion to approve those minutes

**Trustee McLoud** – I'll second

**Mayor** – Motion Mr. Spencer, second Mr. McLoud any discussion. We're approving the minutes Carolyn

At 6:04 PM Trustee Benedict joined

**Mayor** – no discussion or additions

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes  
Mr. Stewart - yes Dr. Hoban - yes Carried

**Mayor** – Skip down to – it's still 6:04. I'll skip down to Community Revitalization – nothing new to report. Katie has done an excellent job getting that back in order. More to follow on that. It is 6:05 so I'd like to open the Public Hearing at this time.

**At 6:05 PM Trustee Condella** – I'll open

**Trustee McLoud** – I'll second

**Mayor**- I believe that was a motion by Mr. Condella, second by McLoud to open the Public Hearing. Any discussion

Roll call

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

Mr. Stewart - yes Dr. Hoban - yes Thank you

**Mayor**- The Public Hearing is now open. Is there anyone that wishes to – Chief does have a brief rundown to give us on what the Police Reform proposals that we have are. Is there anyone who wishes to speak.

**Mike Christensen** – Can you hear me.

**Mayor** – yes Mike – Mike Christensen

**Mike** – I was contacted back when this process was in antiquated by Chief Dunham to appear on the Committee for this reform. I'd like to qualify myself a little bit. Most everybody knows me and no one knows me better than my wife and she always tells me Mike it's not your message it's usually your delivery you screw up on. So, I'm going to try to work on that, but as a lot of you know I was born and raised in Yates County. For over forty years I have resided in the Village of Penn Yan. I'm retired from the Sheriff Office after 31 years of service. I taught at the Police Academy; I was past president of Finger Lakes Law Enforcement Association. Over saw the training of the Police Academy. I served on the Village Board and School Board and been active in the community between the Ambulance Corp. and Fire Department, Jr. League Football. I feel I have a pretty good feel for our community. I kind of expressed my reservations to Chief Dunham when he asked me about this process and after I expressed my thoughts. Well, you got some good thoughts. Would like you on the committee. So, I apologize ahead of time if some of my comments sound political, it's not I'm just going to try to make a point. As everybody knows this reform came about from our Governor Executive order that tied financing to any organized Police Agency in NY State to over see a reform concerning Police tasks given the issue that gone around our Country.

Unfortunately, and I feel I have some incite that says what we're seen is not what the issue is. It's a by product of the more important issue from what I have seen and what I know. We don't have to go far from home to see this to give my position and creditability. The far bigger issue racialism when our Police Agency's the lack of adequate Mental Health and Substance Abuse specifically opioid counseling those two issues are paramount and most everyone of the Officers involved, issues that have brought this to us. Were the unfortunately by product of the COVID pandemic. Is it took away from the exposure that the opioid crises and Mental Health counseling was getting? Now that has taken a back seat and now were looking at Police Officers use of force. When you don't have adequate resources to deal with Mental Health and opioid issues. The buck stops at the Police Department or the Sheriff Department and we're very fortunate to have dedicated lifelong professionals that over see those agencies that keep our staff in both Police Department and Sheriff Department up to date. That's is an on-going issue. I myself even been a Police instructor and working 31 years. If today Ron Spike asked me to come back to work, I would not feel comfortable to do that because so much changes. It's an ever-involving culture there's tech knowledge, there's new process that come out. So, when our Governor tells our political entities hey- it's time for you to stick our nose in the Police Department and Sheriff Department Officer of operations. That's a negative impact. I'm sorry and we don't have to look for to see the results of that. Currently up in Rochester a very dysfunctional government entities in the City of Rochester is micro manage the Police Department. To the point where how they were to deal with a given situation was specifically was specifically wrote out, it's coming out finally in the media. The 7 or 8 Police Officers involved in that terrible tragedy all these things are a tragedy when someone dies as a result of arrest, but all of those Officers followed the protocol to ever step who over saw that protocol. Not adequately trained personnel we need to leave law enforcement to our Professionals. We're very fortunate in this County to have an excellent Police and Sheriff Office run by the excellent Administrators and for us to and have an order issue to us to review their policies and procedures because it looks like I'm really trying to do some-thing here folks, is sad. Who has recently read about a white male or white female that was – had excessive use of force upon them? The main stream media does not want to report that. The only things reported is is a person of color. These people within the agenda that want to keep the racialism issue going. Could there be still be some racialism in the

Police and Fire and different avenues. There could be but I submit to you that's it's way over booked. I'm trying to look at my notes to see if there any other points I wanted to make. I'll probably just screw up if I do, but like I said the bottom line is. We have two good outfits and the bigger issue is crises ask anybody in police work, criminal justice system it's the lack of adequate Mental Health services and the lack of counselors for opioid abusers. It's in a crises situation that nobody wants to address. We only have to look in our own County. When Dr. Daud met her untimely death. That's pretty cut and dry there. Thank you for your time and Thanks for all you guys do for the Village of Penn Yan.

**Mayor** – Thank you Mike. Do we have any other comments?

**Chief Dunham** – I can give just a brief run down and if there is questions, I would be happy to answer them. I'm Thomas Dunham I'm Chief of Police for Penn Yan. I think I know most people on here and Mike said it there this was a result of an Executive Order signed by the Governor in June. Basically, saying any municipalities with a Police Department should meet with community stakeholders and it listed a group of different people who would be stakeholders and review the Police Department and its Policies and Procedures and make-up. Make sure that it's in line with what is necessary for that community. So, we established stakeholders. I met with the Mayor, Deputy Mayor and established a list of people in the community that were stakeholders and sent invites out to people who, faith-based community District Atty. Office, the Public Defender, FLARCA (Finger Lakes Addictions Counseling & Referral Agency) peer advocates people who have been incarcerated, Safe Harbor all kinds of different organization and we had our first meeting on September 18<sup>th</sup> and we really went over the basic make up of the Department. How many members we have, shifts we work and just over all policies and procedures related to use of force and those types of things. As well as our budget and then we had some surveys at the end. Asking people how they felt about the Police Department our staffing levels what could we do better what we were doing good at and then a second meeting on October 23<sup>rd</sup>. Were we dialed down into the meat of the Executive order was asking us to do and we looked at all kinds of different things from 911 Center, Mental Health Services the School Resources Officer and really everything? Use of Court recording summons- warrants, diversion programs community outreach de-escalation, body cameras. A whole slue of things and again we did another survey at the end of that and after getting feedback and meeting with everyone in that. It was a really positive experience I thought for me it's was. I feel we have a great Police Department and it was nice to meet with people and tell them what were kind of doing and get different feedback and different viewpoints and overall, we came up with a few things that everyone kind of keen in on and of the first thing we looked at was Policy & Procedures overall everyone seen to be happy with out Policies and Procedures. We had just went through a pretty big overhaul of our rules and regulations. A complete overhaul our rules and regulations in 2019 and we have been updating the Policies and Procedures quite regularly. So, we were in good shape on that but I think the overall from that was things change and laws change and practices changes. So, it's important to we should never fall behind on that and we should review that annually and if any law changes that we need to review that as well. A good example that was the chock hold ban went in to effective in NYS and we didn't. We weren't trained to chock holds; hose have been band in the area but there's some slight modification there and we sent all out Officers they new training for that and updated the policy to make sure it was in line with the new laws and that's a perfect and the second thing we looked at was training and everyone pretty much did read it's a key component of succession Law Enforcement and we have to have the Officers being well trained. Things are consistently changing and the Officers have to receive the training to make sure there up to date and basically to review our training budget to make sure that were in line with providing our Officers with training. We have assigned a trainer last year who tracks ever one training and keeps in line. If someone is lacking or missing out or needs extra training, we can make sure we hit those people with that stuff and basically were just going to go over the budget and make sure Officers are able to attend the appropriate trainings. Then we looked at hiring. Hiring came up along with diversity and everything else with the Police Department and how we hire and everyone pretty much seems to understand that is a Civil Service thing. That NYS sets the Civil Service Laws on hiring. We can only hire the top 3 and that could be 10 people. 10 people could score 90 they all could be the top 3 and I think the take away of that was maybe the state should review the Civil Service and make sure it's in line. Do they need right now it goes by 5 points? So, 85,

90, 95, 100. Do they need to expend that out further to 10 points or pass or fail system? So, we have a greater pool of people to choose from. Which would have more diversity in the Department a give us a wider range of people to choose from. So that was something everyone seemed to feel that maybe that be reviewed by the State to see if were in line with that and the staff level. We went over, over our staffing level and I image a lot of departments in the area and across the country have grown quite a bit and we haven't. We're slightly down from where we were in 1979, So were down a road position from 1979 till now. So, we haven't we haven't grown our calls for service have our calls have almost doubled but our staffing is slightly down the population in Penn Yan is slightly down as well but there's more business and what not. Looking at that overall. I think everyone was thinking were adequate with staffing levels and we review that reviewed consistently with the board. The Public safety Committee to make sure we are within staffing level that's adequate with the Village and were physical responsible to the tax payers.

**Chief Dunham** - Then we talked about body cameras and thought it was something was really interesting is this Sir Robert Peel- people that are in law enforcement will know this he did the nine principles of Police in 1829 and it's really interesting that in 1829 said "ability of the Police to perform their duties is dependent upon public approval of police existence, actions, behavior and the ability of the Police to secure and maintain public respect." I thought that was interesting because he wrote that in 1829 and it still applies perfectly today. And body cameras came up in the survey quite a bit. We talked about it we do have body cameras and there seemed to be a lot of feedback that we should still continue to look to purchase body cameras for the future and to roll those out more so. So, we recommend we meet with the Public Safety Committee and Budget Officer and management to work together to develop a plan to do that. And then equipment we went over all kinds of different stuff. We don't have really any specialized equipment. We don't have a SWAT team. The State was looking as Police Department becoming over militarized. And we don't have a SWAT team and no one sees a need for a SWAT team. And don't have any specialized vehicles or equipment along those lines outside of what we normally would carry and again they felt that we were adequate for now but we should always review that and were in line with needs and expectations of the Community. And we did discuss search warrants some and one of the big things the whole push for police reform is no knock search warrants and we do have a procedure in place on how we do. Do knock search warrants. I'll say no "knock" because we always announce ourselves. We have always announced ourselves on any search warrant. There's never a time when we smash a door in and run in and part of that procedure, we do have an ambulance on Standby that we do announce ourselves. We always have uniform Officer up front and we do memorialize in either a policy or memorandum to be dispersed to the members. So, something like the Brienne Taylor incident they didn't have an ambulance there on standby. I don't want to arm chair quarter back that situation but there wasn't an ambulance there and didn't have uniform Officer there. That's something different than what we would do and we looked at some Diversion Progress and the Traffic Diversion program is something the District Atty. has rolled out in conjunction with the Courts and the County and the Village. And we have actually checked this one off that we have developed a plan. We now have cars if someone gets pulled over, we can give that person a card that has information on it on how to get enrolled in a Diversion Program and get the ticket reduced. That's got a phone number Web Site and a UR Code that someone can scan with there cell phone and bring it right to the thing and take a class and if successfully took a class so they could get their ticket reduced and lower their points on their license. A good thing that's what the State wanted as well. Diversion Program and basically. Overall, the feedback was really positive. I enjoyed meeting with everyone. I appreciate everyone who came out and spent their time to do this with us and seem with meeting the expectations that we had proper civilian oversight. I met with the Mayor at least once a week as well as the Deputy Mayor and Public Safety Committee and Personnel once a month as well as the Board. Anyone from the Board can call me anytime or stop in anytime and they know that and they do from time to time. So, we have great communication a lot of support with the Board which I really appreciated and it's important. We regular review the Budget that we make sure we are not over equipped or over staffed and not under equipped and under staffed. And I did get an e-mail from Sandy Perl who was in our stakeholder group today who said she couldn't make it, but she asked that I bring up Police Mental Health. That she felt it was important to remember certain service for

Police Mental Health and issues with PTSD involving law enforcement. So, I told her I would mention it that she asked me to do so. I do know the Village does have has a EAP program which is like an Employee Assistant Program that is in place that has just been updated as well. Which has been put out to all of our staff. If anyone has questions. I see people that stakeholders are here and I really appreciate you guys being involved in everything and everything you did with this. And timeout of your days to come and help us out I really appreciate that. If anyone has any questions or anything. I would be happy to answer or.

**Carlie** - I actually have a question it's Carlie.

**Chief Dunham** - Hi Carlie

**Carlie**- Yes is there like a debriefing counseling type of thing that Officers would have available through the Village, any kind of program that we have for our Officers. If there is some kind of trauma or tragedy that takes place and they need to be debriefed or have counseling to be able to help them cope.

**Chief Dunham** - Yes, we do conduct debriefing on major incidents we do that internally but there is also the EAP (Employee Assistant Program) that is internally. We've talked about other things as far as someone there that would come in to talk to them and we are exploring that as well. But COVID kind of put a halt to that. Employee Assistant program is available to them and there's an app. For that as well. They can get that right on their smart phone . So, it makes it easy with COVID going on they can get on that.

**Carlie**- Okay Thank you

**Mayor** - good job It was the stakeholders meeting were very positive as you know very proud of our Police Department. Thank you Chief appreciate it. Another comment or questions before we close this Public Hearing .

**Trustee Spencer** - I thought it was a worthy exercise. I think it's great. It was brought on by all the turmoil in our country, but it was a health exercise I think and should be conducted every couple years.

**Mayor** - yes

**Atty.** - one of the important out comes here is learned that our Police Department is doing essential everything they should be doing.

**Trustee Spencer**- exactly

**Mayor** - yes, the basic needs for improvement, that aren't at this level. State level and there's just things that our out of our hands as far as the Mental Health and other things that put upon Police Department that take care of. This was a review of the draft. Will have one more public get together before the plan is submitted . I appreciated everybody's comments

**Chief Ellis** - Leigh

**Mayor** - yes Frank

**Chief Ellis**- Well I've been in the Fire Department for almost 40 years and the Sheriff Department and Police Department are always been highly professional. We work with them over the years and I think it's improved over the years to. They do a great job along with us. I just want to put that out and what Mike had to say was very true.

**Mayor** - yes, it is Thank you Frank

**Chief Ellis**- you're welcome

Hi- this is Roxie from FLACRA

**Mayor** - yes Roxie Welcome

**Roxie** - Hi I would just like to say that we have opened up a Mental Health Clinic over at our outpatient in FLACRA. It just newly got opened the end of December. So, we are trying to connect people with the addictions piece usually have the Mental Health piece. So, I don't think a lot of the community knows that we opened up and our offering it to anybody and to children also. Not just individual. I work with but there children also. Thank you

**Mayor** - Thank you any other comments on the Police Reform if not. I'll entertain a motion to close the public Hearing.

At 6:30 PM **Trustee Stewart** -I'll move I'll make that Motion

**Trustee Spencer**- I'll second

**Mayor** - Any other discussion

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

Roll call

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

Mr. Stewart - yes Dr. Hoban - yes Thanks Chief

**Mayor** - is there any other public request or comments at this time. On any other issues or ideas. If not, I'll move down to the mayor's section here. We just have a couple of housekeeping things. 1. Is the annual mileage the rate has been. We look at it every year and I think it's the IRS thing. They change the rates every year going from .57 1/2 cents down to .56 cents for the year of 2021.

**Trustee McLoud**- I'll make a motion to approve

**Trustee Condella** - I'll second

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

Roll call

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

Mr. Stewart - yes Dr. Hoban - yes Carried

**Mayor** - next item is a Resolution about the Proposed Local Law to waive the Tax Cap for the budget of 2021-2022. We do this annual. Will be setting up the Motion will set up a Public Hearing for February 16 at 6:00PM. This is our annual override Resolution which most years we have had. We have had to rescind, but good luck this year. Can I have a Motion to consider Resolution 2.

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

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

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

Roll call

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

Mr. Stewart - yes Dr. Hoban - yes Carried

**Mayor** - Okay we will move down to the Village Attorney Mr. Brockman

**Atty.** - most of my presentation will be in the Executive Closed Session later on. But there is one item. I want to comment on when you get to it that is the proposal to spend \$1,000.00 for easements search. So, I'll reserve my comments till that time.

**Mayor** - Okay move right on to the Municipal Mr. McLoud here. Oh Mr. Banach is on. good evening- Kevin would you like to

**Trustee McLoud** - I'd like to request to award Graybar the overhead distribution transformer bid for the amount of \$9,850.27.

**Trustee Condella** - second

**Mayor** - any 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 declare four ceiling mounted heaters as surplus and dispose of appropriately.

**Trustee Spencer**- second

**Mayor** - Motion Mr. McLoud, second Mr. Spencer any 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 make a request a Motion to authorize to hire Keuka Abstract Corporation to search abstract records from 1823 to 2021 for grantee Village of Penn Yan easements not to exceed \$1,000 without prior approval.

**Trustee Condella** - second

**Mayor**- Motion Mr. McLoud, second Mr. Condella Mr. Brockman

**Atty.** - yes this was brought up by I believe DPW Tom Schwartz. The Village has many many easements around the Village where people have granted rights to the Village weather electric lines, sewer lines, Waste Water Sewers or storm Water and not all of those are centralized. I don't think we have to go back to 1823- cause that's the last time I believe the county records burned up. But we do need to go back probably to the beginning of the 20<sup>th</sup> Century and search forward. That way the Village would have all the permanent easements that have been recorded with the County Clerk and that would be a centralized location for the DPW personnel to go and look if an issue comes up. In regards to some lines or pipes that they find and those easements documents will give some information as to the **premature** to those easement of where they located. I think this is a so- a worthwhile expenditure that I believe sum if money I believe that \$1,000 is based on estimate given by Keuka Abstract Company based on a inquire from Katie Tomlinson. Any question about this. I'll try to answer them for you.

**Mayor** - 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 the DPW to reserve one spot for an Electric apprentice lineman for the 1<sup>st</sup> year school beginning in April 2021 with the deadline for registration January 29, 2021. Cost of \$3,700.

**Trustee Condella** - second

**Mayor** - Motion Mr. McLoud, second Mr. 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 McLoud** - I'd like to request a Motion to approve Utility Payment Agreements in the amount of \$3797.79

**Trustee Condella** - second

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

**Trustee McLoud** - You're welcome.

**Mayor**- Administration Mrs. Benedict

**Trustee Benedict** - I'll make a Motion to approve the Warrant

	<b>Amount:</b>
<b>Paid Before Audit:</b>	
General	25,722.89
Electric	206,335.18
Sewer	10,871.47
Water	10,042.54
Capital Projects	
<b>Total Paid Before Audit</b>	<b>\$ 252,972.08</b>
<b>Current Audit:</b>	
General	\$ 43,780.10
Community Development - CRC	-
Electric	55,762.76
Sewer	68,991.93
Water	19,889.32
Capital Projects	-
<b>Total Current Audit Items</b>	<b>\$ 188,424.11</b>
<b>TOTAL AUDIT</b>	<b>\$ 441,396.19</b>

**Trustee McLoud** - second

**Mayor** - Motion Mrs. Benedict, 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 Benedict** - I'd like to make a Motion to authorize Resolution No. 3-2021 Budget Transfers for 2020-21 Fiscal Year for \$10,000. To cover unemployment cost.

**Trustee Spencer** - second

**Mayor** - Motion Mrs. Benedict, second Mr. Spencer any discussion  
 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 authorize Resolution No 4-2021 Budget Transfers for 2020-21 Fiscal Year for \$3,600. To cover police academy costs.

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

**Mayor** - Motion Mrs. Benedict, second Mr. Stewart any discussion  
 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 authorize Resolution No 5-2021 Budget Transfers 2020-21 Fiscal Year for \$3,289. To cover higher than budgeted costs for firehouse and fire department.

**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

**Trustee Benedict** - I'd like to make a Motion to authorize Resolution No 6-2021 Budget Transfers 2020-21 Fiscal Year for \$3,505. Code Enforcement cost center.

**Trustee Spencer** - second

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

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes  
Mr. Stewart - yes Dr. Hoban - yes Carried

**Trustee Benedict** - I'll make a Motion to authorize Resolution No 7-2021 Budget Transfer 2020-21 Fiscal Year for \$4,350. Cover building and grounds cost over runs.

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

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

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes  
Mr. Stewart - yes Dr. Hoban - yes Carried

**Trustee Benedict** - I'll make a Motion to authorize Resolution No 8-2021 Budget Transfers 2020-21 Fiscal Year for \$2,534. In Cemetery cost center.

**Trustee McLoud**- second

**Mayor** - Motion Mrs. Benedict , 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 Benedict** - I'll make a Motion to authorize Resolution No 9-2021 Budget Transfers 2020-21 Fiscal Year for \$18,572. To cover purchase of software and training from Dude Solutions.

**Trustee Spencer** - second

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

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes  
Mr. Stewart - yes Dr. Hoban - yes Carried

**Trustee Benedict** - I'll make a Motion to create an additional Apprentice Lineman worker position and begin recruitment.

**Trustee Spencer**- second

**Mayor** - Motion Mrs. Benedict, second Mr. Spencer discussion

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 recruitment to hire a part time Officer at a rate of

\$17.50 an hour while in the Academy, and cover any Police Academy costs.

**Trustee Condella**- second

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

**Trustee Spencer** - Carolyn is that the rate we talked about.

**Trustee Benedict** - Yes

**Trustee Spencer**- Okay I thought Tom was purposing something a little higher. I might have misunderstood that.

**Trustee Benedict** - that is higher than our previous Part Time rate while in the Academy.

**Trustee Spencer**- Thank you

**Mayor** - 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** - I'll make a Motion to make Sonja Fredenburg a permanent appointment to the position of Account Clerk-Typist, retroactive January 13, 2021. Her one- year probation period was successfully completed.

**Trustee Spencer** - second

**Mayor** - Motion by Mrs. Benedict, second Mr. Spencer any discussion

Roll call

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

Mr. Stewart - yes Dr. Hoban - yes Carried

**Trustee Benedict** - I'll make a Motion to retroactively hire Emily Hoover as a Keyboard Specialist for the Public Works office. Her appointment will begin on January 19, 2021. Group 1 Step Start at \$19.27 per hour. There will be a one - year probation period.

**Trustee Condella** - second

**Mayor**- Motion Mrs. Benedict, second Mr. 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 Benedict** - I'll make a Motion authorizing an annual pay increase of \$1,000.00, from \$46,460.00 to \$47,460.00, retroactive to June 1<sup>st</sup>, 2020, for Deputy Clerk Mary Ann Martin

**Trustee McLoud** - second

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

**Trustee McLoud** - Leigh I'd to say Mary Ann does an outstanding job with everything downstairs, including everything that she has helped me with the Web Site.

**Mary Ann** - Thank you

**Mayor** - Thank you Mary Ann 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**- That's it's Mr. Mayor

**Mayor** - There was one item on here regarding a layoff of a Part Time Officer .

**Trustee Benedict** - Oh did I skip over that. My apologize I was scrolling and trying to make sure I got all the things. It's hard when you don't have the papers in front of you to check them off.

**Trustee Benedict** - I'll make a Motion to layoff part time Officer Frank Ryan and review the position with the school district before the next school year.

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

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

**Chief Dunham** - Can I just mention this is just due to COVID and Frank has done a Great job but do to COVID and budgets at school that's why it's on there.

**Mayor** - School didn't choose to use the position

**Chief Dunham** - correct

**Mayor** - Thank you Chief 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 Carolyn

**Mayor** - Public Safety Mr. Condella

**Trustee Condella** - Ok I don't have to much on the agenda. Start with the Police Department the monthly report. Looks like there at 525 it seems like it gets lower and lower Chief.

**Chief Dunham** - Yes - had just about 7,000 calls a year.

**Trustee Condella** - anything to add

**Chief Dunham** - We had 52 traffic tickets, 17 Parking tickets and 38 arrests.

**Trustee Condella** - Ok alright- great fine job and nice presentation. Move on down to Fire Department Frank.

**Chief Ellis** - yes sir- as you can see if guys have all the paper work. Had almost 1400 hours in the year as far as volunteer hours put in. You have the sheet with the top responders- basically I gave you all the reports, that I could print. I got more I could print off if you want them for the year of 2020. We had 306 calls for the year had 2 fire fighters' injuries for the year. Had 21 structure fires and at the end of year we average out 16.5 fire fighters per call. It's really been a tough year for us with Covid has gone. Guys have done a great job with everything, wearing masks with doing everything they have to do.

**Trustee Condella** - Ok

**Chief Ellis** - Last week on Tuesday I drove up to Churchville and talked about the ladder truck cause we're really concerned because that truck has been up there since about 19<sup>th</sup> of July. I talked with the President and Vice President. Mike Pedersen went with me; Rick Simpson went with me and we sat there talked with them and discussed why our ladder truck has fallen way behind of the end of the tunnel. I guess as far as being worked on. So, the President told me that he would call me every Tuesday from now on till we get our truck back. So, he called me today and gave me an update. We got more done in the past week than we have gotten done in the last 6 months. As it stands right now. We're waiting for the hydrant cylinders to come back, once there rebuilt they'll be put back in to the truck. They apologize for the long wait, but some was due to the COVID, but I just felt it was our place to go up and tell them were not very happy with the procedure that's gone forward with to fix this truck. He's gone to call me every Tuesday from now on till we get our truck back.

**Trustee Condella** - Ok hopefully not charging us storage

**Chief Ellis**- Well as you all know Rick. Rick is a little more. I'm a little more diplomatic than Rick, but Rick was straight to the point never swore never cursed at all but very straight to the point and got their attention and I didn't beat around the bush to much myself, but I was a little disgusted but how. We spent since 1986 to this date somewhere between 6 to 14 million dollars with them and I think we deserve to have some focus as much as some of the big Fire Department that might have spent 80 million dollars. Were just important as they are and I stressed that point a lot. So that's why the President is calling me every week on Tuesday.

**Trustee Condella** - Thank you Frank- anything else Frank or is that it.

**Chief Ellis** - No our men have done a great job. It's been a tough year with COVID I've had 2 firemen in the Hospital with COVID luckily that didn't affect anyone else. I've had a couple of guys test positive and we have been lucky and were around the Public we try to wear our masks all the time. Were like anybody else. There's time when we should have our masks on and we don't and that gets addressed as soon as possible. Were trying to stay on top of it and we don't really want to go to any funerals.

**Trustee Condella** - Good Thank you Frank- tell everyone over there we appreciate what they're doing.

**Chief Ellis**- Your welcome

**Trustee Condella**- Code Enforcement Jamie Still there

**Trustee Spencer**- He's muted

**Jamie**- I'm here Sorry I'm here- server isn't so great the last few minutes - had those three problem properties. I am assuming that are still on there. Don't have it in front of me. I can't pull 2 devices up at once here right now we have a lot of clouds. So, I'm not good coverage. South Ave. - Garfield and I think and the other one was on Cornwell. I do believe I got him all the information at the end of last week. I believe Habitat of Humanity is going to make an offer on each property. So, fingers crossed. I'll know more the next meeting not next for Public Safety meeting their gong to get me a report on what is going on with these 3 properties. So,

**Trustee Condella** - Ok

**Mayor** - good job Jamie

**Jamie**- yup

**Trustee Condella** - Thanks you very much Jamie- you made a big difference we appreciate it.

**Atty Brockman** - We still stuck on Seneca Street

**Jamie**- I don't think she's going to take an offer Ed. I just don't see it happening. She doesn't want to leave the property- she stuck there.

**Atty**. - Someone is going to have to do something because once the COVID starts drifting away from us. Were going to have to take action on that house. The only reason I advise against it so far if they take her out of there. They probably have to put her in a Nursing Home which could be a death sentence, but that being that's in such in bad such shape you find out some night that the whole house fell down on top of her.

**Jamie**- she has all space heaters running in there.

**Atty**. - that's another thing. She could get burned up but we have been holding off on this but we can't do it for ever and if we can't get Habitat at least due something with the house. I don't know what we're going to do, but were going to have to do something, cause the place is one big code violation.

**Jamie**- I believe we have to there's a lot there I do believe once this lifts the Courts are back in. That's when we can do something about it. We may have to wait till Court can

be back in just in case, but if we need to can condemn it before then. Now she has no where to go if we do. It's not a good situation for her either way.

**Atty.** - Maybe Habitat for Humanity can start to fix up the house and find a place for her to live while they fix it up. Then same for Keuka housing There's got to be a way to resolve this issue with out her paying the ultimate penalty. Put it back on the agenda for Public Safety Committee

**Trustee Condella** - Ok Public Safety again. I know I did run into her daughter and talked with her a little bit about it, but her daughter basically said the same thing as Jamie said. She won't move and they don't have the greatest relationship .

**Atty.** - Ok we will talk about it at public safety

**Trustee Condella** - Ok anything else Jamie.

**Atty.** - 106 Stark Ave. is that done

**Jamie**- they haven't started the tear down yet. Nope haven't started the tear down yet. I think tomorrow is the deadline for insurance, so there going to hurry .

**Atty.** -Well at least it's on the agenda right.

**Trustee Condella** - alright Thanks Jamie and that's all I have Mr. Mayor.

**Mayor** - Thank you Dan

**Trustee Condella** - Yup

**Jamie**- Thanks guys

**Mayor** - Public Works Mr. McCloud

**Trustee McCloud** - yes, we met had a good conversation but I have nothing new to report.

**Mayor** - Thank you Planning & Development Mr. Stewart

**Trustee Stewart** - We met a week ago Monday. Review some old topics of course including the marijuana the purpose the NYS marijuana legislation and Public Art. When we have a full committee. I'll schedule a meeting of that committee of the Public Art Committee or Downtown Art committee and we will get going on that. Hopeful we can do that sometime in a week or so.

**Atty.** - Thank you Rich

**Trustee Stewart** - Thank you

**Mayor** - any other public request or comments

**Carlie**- yes, I have a question, it's Carlie. I'll keep it brief. Wondering I was talking with Dan earlier . Where are you guys are at with the memordum for the marijuana dispenser.

**Mayor** - yes Rich just talked about that.

**Carlie**- I heard him mentioned but I didn't hear what he said about it. I hear about the Art Committee but nothing about the marijuana dispensers is their progress being made or you guys still on session on it.

**Mayor** - Yes, it is still. It still an agenda item for the committee. We did discuss the purpose state on there a 73 page list of state legislations title 10 1,005 for review. A waiting State and County action.

**Carlie**- Ok because I need to give report back to YSAS at the next meeting that's why I'm asking. So, I'll give report back to WSAP that's it in progress. Correct

**Mayor** - yes

**Atty.** - How about Public Safety is still working on it

**Carlie**- Ok - Ok and committee Thank you

**Mayor**- Thank you any other public request or comments

**Carlie** - I also had a comment for the Code Inspector that you for mowing on the house on South Ave. I've had a lot of people talk to me about that house. I'm glad to see that and something is going to be done basically though Habitat. It was a blessing to hear about. Also, what to thank the Police Chief for the presentation he gave and the good work the Police Officers do in our community. Thank you

**Chief Dunham** - Thank you Carlie

**Mayor** - Thank you any other public request or comments if not adjourn and enter into Executive Session

**Mayor** - Motion by Trustee Condella, seconded by Trustee Hoban

**Atty.** - asked if could include Mr. Kincaid

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McCloud - yes

Mr. Stewart - yes Dr. Hoban - yes Carried

**Mayor and Atty.** - Can we include Gary , Mr. Kincaid, Chief Tom Dunham, Tom Schwartz

At 7:30 PM Chief Dunham, Code Officer J. Kincaid left the Closed session.

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:44 PM, **MOTION** by Trustee Spencer, seconded by Trustee Stewart to leave Closed Session and return to regular Village Meeting.

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

**ADJOURNMENT:**

At 7:46 PM, **MOTION** by Trustee Hoban, seconded by Trustee Spencer to adjourn the regular Village Board meeting.

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

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**