

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 6:04 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 MacKerchar mentioned he has selected members for the Downtown Art Committee.

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize the appointment of the following people to the Downtown Art Committee effective January 19, 2021. (Trustee Stewart, Trustee Spencer, Maggie Kessler and Bob Gillespie)

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Spencer, seconded by Trustee Stewart to authorize to have an Closed Session for legal counsel.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

MINUTES:

MOTION by Trustee Spencer, seconded by Trustee McLoud to approve the Village Board Minutes from December 15, 2020 and Special Village Board meetings December 29, 2020 and January 6, 2021.

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

6:05PM PUBLIC HEARING – Proposed Penn Yan Police Reform and Reinvention Collaborative Plan

At 6:05 PM **MOTION** by Trustee Condella, second Trustee McLoud to open the Public Hearing to discuss the Proposed Penn Yan Police Reform and Reinvention Collaborative Plan

ADOPTED Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart
Nays 0 Abstain 0 Absent Benedict

At 6:06 PM Trustee Benedict joined

Mayor asked if anyone wishes to speak regarding this issues. Chief Dunham does have a brief rundown he will review.

Discussion – Mike Christensen mentioned Chief Dunham contacted him to sit on the Committee. Mike stated he has 31 years as a Sheriff, taught at the Police Academy, past President of Law Enforcement Association. Over saw training at the Police Academy, served on the Penn Yan Village and school Boards and been active in the Community with many organizations. Mike stated with his in site feels what we’re seeing in the Country is a far bigger problem, is the lack of Mental Health and substance abuse. Specifically, opioid- abuse. Most of the Officers involved have brought those issues to the committee. Unfortunately, the COVID pandemic took away from the opioid and Mental Health counsel have taken a back seat and now they look at the Police Officers. When you don’t have adequate resources to deal with these issues the buck stops at the Police and Sheriff Departments. We’re very fortunate to have dedicated agencies that keep our staff up-to-date. Mike stressed he feels the lack of adequate Mental Health services

and lack of counseling for opioid abusers, it's in a crises situation that nobody addresses. Mike thanked the Board and Police Department for all they do for the Village of Penn Yan.

Chief Dunham discussed his Penn Yan Police Reform and Reinvention Collaborative Plan that was an Executive Order from the Governor. Chief mentioned they have a committee of stakeholders that include local school district, faith-based community, District Attorney, FLACRA, Safe Harbors to name a few. Had our first meeting on September 18th, 2020 reviewed the basics number of employees, shifts and over all policies and procedures and budget for the department. We had surveys at the end asking people to give feedback about the Police Department and what we could do better and what is good. Second meeting with the stakeholders was October 23rd, 2020. We looked at various topics 911 Center, (SRO) School Resources Officer, (CPEP) Comprehensive Psychiatric Emergency Program , mental health calls, Social Services, staffing budgeting, equipping the police force, crowd control to name a few. After two discussions with the stakeholders Chief Dunham has an outline he will briefly review:

Policies and Procedures – These were adequate and have been updating these regularly, do understand the practices change and will review annually to keep up to date.

Training- Stakeholders and community feels this is a key component and essential in keeping officers up to date. Will review this annually to ensure officers are able to attend trainings.

Hiring- We go by the NYS Civil Service Law. Must hire from valid civil service list who scored in the top three and passed the appropriate fitness and background check. We urge NYS to review the testing requirement and grading to allow the best candidates.

Staffing Levels- Police staffing has gone down since 1979 while receiving almost double of calls. Village Board and management, personnel team must review staffing levels and determine if it's adequate. Need to be adequately staffed to handle public safety needs.

Body Cameras- The Police Officers recommend the police department, public safety committee, budgeting office and management team review and develop a plan to purchase and deploy body cameras going forward. The police department will also review the polices and procedures for body cameras.

Equipment - It's essential the department have appropriate equipment. Department does not have a SWAT team and do not see an immediate need nor any specialized vehicles and or equipment. Village Board to review community's needs and expectation annually.

Search Warrants- Department currently has a standard operating procedure how they conduct a no-knock search warrants. Have an ambulance on standby, announcing oneself while making entry and a uniform officer make first entry. Believe this should memorialize these procedures either a policy or memorandum to be dispersed to department members.

Traffic Diversion Program – Department should work with district attorney's office to develop a process which people being pulled over and issued a ticket for a vehicle violation are informed of the newly enacted local traffic diversion program.

Chief Dunham felt the Penn Yan Police department is meeting or exceeding community expectations. Staffing levels and budget should regularly be reviewed to ensure the community is safe and receiving effective police service. They did not find the department was over staff or over equipped to address the public safety needs of the Village.

Mayor Thanked Chief Dunham and asked if there were additional comments. Mayor mentioned this is a draft and will have another meeting before submitting to Albany.

At 6:30 PM **MOTION** by Trustee Stewart, seconded by Trustee Spencer to close the Public Hearing.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

MAYOR:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 1-2021 Mileage Allowance beginning January 1, 2021 mileage will be \$.56. A slight decrease from \$.575 in 2020.

“**WHEREAS** the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties;

NOW THEREFORE BE IT RESOLVED:

1. The Board of Trustees of the Village of Penn Yan will authorize reimbursement to such officers and employees at the rate of per mile as set forth in the IRS standard mileage table.
2. That this resolution is effective immediately.”

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

MOTION by Trustee Condella, seconded by Trustee Stewart to authorize Resolution No 2-2021 Proposed Local Law to Establish New York State Tax Cap Waiver for 2021-2022 Village Budget. Set a Public Hearing for Tuesday February 16th, 2021 at 6:00PM.

WHEREAS, New York State has mandated a 1.31 percent tax cap; and

WHEREAS, the Village of Penn Yan does not anticipate exceeding the 1.31 percent tax **cap; and**

WHEREAS, the New York State Tax Cap Law is complex to follow and includes significant penalties if all rules are not followed; and

WHEREAS, a waiver of the tax cap appears appropriate for the Village of Penn Yan under the circumstances; and

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

NOW THEREFORE, BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan hereby determines that it is in the best interests of the residents and property owners of the Village of Penn Yan to waive the tax cap to ensure that the Village is not in violation of the tax cap law embodied in §3-c of the General Municipal Law.
2. The Board of Trustees designates itself as “Lead Agency” for SEQRA issues related hereto, determines that there will be no environmental impacts resulting from this action, therefore declares this to be a “Type II” action and accordingly no environmental review will be undertaken.
3. That a public hearing on the proposed Local Law is hereby scheduled for February 16, 2021 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

ATTORNEY:

COMMUNITY REVITALIZATION:

MUNICIPAL:

MOTION by Trustee McLoud, seconded by Trustee Condella award Graybar the overhead distribution transformer bid for the amount of \$9,850.27.

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to declare four ceiling mounted heaters as surplus and dispose of appropriately.

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

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize 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.

Discussion: Atty. Brockman mentioned we have done many easement over the years, this listing will help the crews to first look here when needing to find out about a property. Atty. feels starting from the 20th century till present is good.

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

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize the DPW to reserve one spot for an Electric apprentice lineman for the 1st year school beginning in April 2021 with the deadline for registration January 29, 2021. Cost of \$3,700.

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

MOTION by Trustee McCloud, seconded by Trustee Condella to approve Utility Payment Agreements in the amount of \$3797.79

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

FINANCE & ADMINISTRATION:

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

AUDIT:

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

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No. 3-2021 Budget Transfers for 2020-21 Fiscal Year for \$10,000.

(cover unemployment cost incurred and expected to be uncured, using excess funds from police retirement account)

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

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize Resolution No 4-2021 Budget Transfers for 2020-21 Fiscal Year for \$3,600.

(cover police academy costs to be reimbursed to Officers per their part-time trainee contract, using excess funds from police uniform account)

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

MOTION by Trustee Benedict, seconded by Trustee Hoban to authorize Resolution No 5-2021 Budget Transfers 2020-21 Fiscal Year for \$3,289.

(cover higher than budgeted costs for firehouse and fire department, with excess funds utilized from insurance and LOSAP accounts)

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 6-2021 Budget Transfers 2020-21 Fiscal Year for \$3,505.

(Code Enforcement cost center to cover cost over runs in contractual services (106 Stark Ave. estate administration, mowing costs) and computer supplies (necessary purchase for Deputy code Officer) excess funds used from Mayor, Attorney and Elections accounts).

ADOPTED Ayes 7 MacKerchar, Benedict, Condella, Hoban, McCloud, Spencer, Stewart

Nays 0 Abstain 0 Absent

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize Resolution No 7-2021 Budget Transfer 2020-21 Fiscal Year for \$4,350.

(cover building and grounds cost over runs, primarily due to cemetery office repairs, with excess funds used from the audit and state retirement accounts).

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

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 8-2021 Budget Transfers 2020-21 Fiscal Year for \$2,534.

(Cemetery cost center to cover expected cost over runs, with budget being reduced for equipment, as planned purchase of a new pickup has been deferred.)

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 9-2021 Budget Transfers 2020-21 Fiscal Year for \$18,572.

(cover purchase of software and training from Dude Solutions for the Water and Wastewater Treatment plants, using excess funds from the State Retirement budget accounts.)

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to create an additional Apprentice Line Worker position and begin recruitment.

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

MOTION by Trustee Benedict, seconded by Trustee Condella to hire a part time Officer at a rate of \$17.50 an hour while in the Academy, and cover any Police Academy costs.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to make Sonja Fredenburg a permanent appointment to the position of Account Clerk-Typist, retroactive January 13, 2021. Her one- year probation period has been successfully completed.

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

MOTION by Trustee Benedict, seconded by Trustee Condella 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.

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

MOTION by Trustee Benedict, seconded by Trustee McLoud authorizing an annual pay increase of \$1,000.00, from \$46,460.00 to \$47,460.00, retroactive to June 1st, 2020, for Deputy Clerk Mary Ann Martin.

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

MOTION by Trustee Benedict, seconded by Trustee Stewart to layoff part time Officer Frank Ryan and review the position with the school district before the next school year.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for December

Nothing new

FIRE DEPARTMENT:

Chief's Report for December

Chief Ellis mentioned Chief Simpson, Sr., Mike Pedersen and himself went to Churchville to check on the ladder truck, finding out what is taking so long. They have had the truck since July, 19th. Chief Ellis received a call today from the President he will be calling Frank ever week on a Tuesday until the truck is completed and give a progress report. Chief Ellis felt over the last 2 weeks more has been done on the truck than all the rest of time they have had it.

CODE ENFORCEMENT:

Monthly activity report for December

CEO J. Kincaid gave a brief update on three parcels (South Ave, Garfield Ave. and Cornwell Street). He has been in contact with Habitat for Humanity they seemed interested and will be looking at the places and be giving an offer to them. Jamie mentioned 106 Stark Ave. has not started demolishing yet, should be tomorrow. The property on Seneca Street unable to do anything at this time due to COVID restrictions. He will keep tabs on it and as soon as he can will look in to doing something. Atty. asked to be sure this is still on the Public Safety Agenda.

PUBLIC WORKS:

Nothing to report

PLANNING & DEVELOPMENT:

Trustee Stewart mentioned as soon as they have a full Downtown Art Committee, they will schedule a meeting looking at some time in February.

COMMENTS

Carlie asked if there is anything new for the marijuana legislation. Any progress on this. Mayor mentioned the Planning & Development Committee is working on it.

EXECUTIVE SESSION:

At 7:06 PM, **MOTION** by Trustee Condella, seconded by Trustee McLoud to enter into Closed Session. Mayor asked the following to attend Atty. Brockman, Chief Dunham, G. Meeks, Chief J. Kincaid and DPW T. Schwartz

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

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: