

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, October 15, 2019, at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor MacKerchar; Trustees C. Benedict; D. Condella; T. Hoban; K. McLoud; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling; Director of Public Works B. Bodine; Deputy Dir. Of Public Works T. Schwartz; Police Investigator W. Marsh; CEO B. Lyon; Fire Chief F. Ellis; Municipal Commissioner D. Banach

ABSENT: Chief T. Dunham

News Media present: Gwen Chamberlain, Chronicle Express;

PUBLIC: Bill Wigsten, Carlie Chilson

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

6:00PM PUBLIC HEARING – Amending Vehicles & Traffic Chapter

Local Law J amending Chapter 190 Vehicles and Traffic Chapter Jolley Lane and no parking for a portion on Keuka Street.

At 6:00PM **MOTION** by Trustee McLoud, seconded by Trustee Spencer to open the Public Hearing for Amending Vehicles & Traffic Chapter.

Mayor asked if there were any questions or concerns with the Local Law. Mayor explained this is the alley way next to Dahlia’s and Microtel. The Law also covers a no parking section on Keuka Street near Violet Ave.

At 6:01PM **MOTION** by Trustee Benedict, seconded by Trustee Condella to close the Public Hearing.

MOTION by Trustee McLoud, seconded by Trustee Hoban to authorize Resolution No 84 -2019 Adoption of Proposed Local Law for Ratification of Public Street

WHEREAS, a draft of the proposed Local Law was previously distributed to the Board of Trustees of the Village of Penn Yan; and

WHEREAS, a public hearing has been held before the Board of Trustees of the Village of Penn Yan regarding the proposed Local Law.

NOW THEREFORE BE IT RESOLVED, THAT

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

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to have an Executive Session for personnel matter.

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

MINUTES:

MOTION by Trustee Condella, seconded by Trustee McLoud to approve the Village Board Minutes from September 17, 2019 and Special Village Board meeting October 1, 2019.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize the Keuka Lake Hotel, LLC, a waiver of the 30 day notice for Liquor License

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

MOTION by Trustee Spencer, seconded by Trustee McLoud to authorize the Chamber of Commerce to hold the Annual Star Shine on Saturday December 7, 2019. Requesting Main Street from Chapel through Lake Street be closed from 2:00PM – 8:00PM. With intersections open on Main Street and at Water/Seneca Streets. Asking assistance from the Police and Fire Department. Would like to use the Fire House for Elf School and Reindeer Flight training.

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

MAYOR:

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize the Mayor to sign the Proclamation for Academic Excellence Day for Tuesday November 12, 2019.

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

MOTION by Trustee Spencer, seconded by Trustee Hoban to authorize Resolution No 82-2019 Polling Places & Hours for Wednesday March 18, 2020 Village Elections. (Have 3 Trustee positions open and 1 Village Justice).

BE IT RESOLVED, pursuant to Section 15-104(3)(b) of the Election Law, that the polling place for the Village Election to be held on March 18, 2020 downstairs of the Village Hall, 111 Elm Street, Penn Yan, New York, and

BE IT FURTHER RESOLVED, that the polls shall be open for said election on Wednesday, March 18, 2020 between the hours of 12:00 noon and 9:00 o'clock P.M.

Discussion: Bill Wigsten questioned if a Village employee could run for a Trustee position, not looking at the upcoming election. Atty. mentioned it's generally the theory the employee cannot be his own Master. Mayor will do some research. Bill looking to have this answered sometime in the future.

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

Mayor explained the Village of Penn Yan Fire Department has been awarded a Federal Assistance to the Fire Fighters grant of \$210,285.00 through the Department of Homeland Security for purchase of 32 Air Packs. Board congratulated Chief Ellis.

Chief Ellis hopes we will be able to find a home for the old ones. Have around 25 other Fire Departments who also have received new air packs this year. The sooner he can order the sooner he can sell the old ones.

ATTORNEY:

Local Law M 2019 Amending the definition of "Kennel" in the Zoning Chapter.

MOTION by Trustee Spencer, seconded by Trustee Condella to authorize Resolution No 86-2019 Amending the "Zoning" Chapter of the Village Code By Replacing the Definition of "Kennel" and set a Public Hearing for November 19th, 2019 at 6:00PM.

WHEREAS, presently there is a definition of "Kennel" in the Zoning Chapter of the Village Code; and

WHEREAS, it has been recommended by the Village Public Safety Committee that the definition be replaced as it potentially includes all pets of any species on a lot or in a premises; and

WHEREAS, a proposed Local Law with respect to this matter has been circulated to the Board of Trustees for their review; 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 designates itself as "Lead Agency" for this action,

determines that the proposed action is a “Type II” action under SEQRA and therefore no environmental review will be undertaken.

2. That a public hearing on the proposed Local Law is hereby scheduled for November 19, 2019 at 6:00 p.m. and legal counsel is directed to provide notice thereof by posting and publication.

3. The proposed Local Law is referred to the Yates County Planning Board for its review pursuant to GML Section 239-m.

Discussion: Atty. Brockman stated we have discussed the Definition of Kennel for some time now. We changed it to read “Any use where, on a lot or in a premises for monetary or other compensation.” He explained the current definition is 4 or more domestic animals are prohibitive. Trustee Benedict asked to clarify the term Housed. Atty. Brockman explained if an animal resides in a resident or on the lot. This has nothing to do with regular pets. Trustee Benedict said if I have 2 dogs and 3 cats I would be in violation. Atty. explained no because you’re not keeping them for a monetary gain. It’s only a violation if there are 4 or more domestic animals housed for monetary gain. Atty. will have Planning & Development review this before the Public Hearing in November.

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

COMMUNITY REVITALIZATION:

Mayor we do have a couple of projects out there, nothing new right now.

MUNICIPAL:

MOTION by Trustee McLoud, seconded by Trustee to authorize Resolution No 85-2019, Brent Bodine as an accredited delegate of the Village of Penn Yan at the New York Municipal Power Agency (NYMPA) Semi-Annual meeting on October 30, 2019 in Syracuse, NY

WHEREAS, the Semi-Annual Meeting of the Municipal Electric Utilities Association of New York State has been called on October 30, 2019 to be held in Syracuse, NY 13204 and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Brent Bodine be and is hereby designated as the accredited delegate of the City/Town/Village of Penn Yan, New York.

ROLL CALL

	Aye	Nay	Absent
Mayor MacKerchar	x		
Trustee Benedict	x		
Trustee Condella	x		
Trustee Hoban	x		
Trustee McLoud	x		
Trustee Spencer	x		
Trustee Stewart	x		

MOTION by Trustee McLoud, seconded by Trustee Hoban to issue a Notice of Award to TLM Excavating in the amount of \$222,870.18 for the Franklin St water main replacement project.

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$5,846.94

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

Reminder the Wholesale Water and Sewer meeting is set for Thursday October 24, 2019 at 10:00 AM. Luncheon afterwards at Fire House.

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	28,557.11
Electric	208,830.03
Sewer	7,667.73
Water	7,685.67
Capital Projects	<u>360,443.00</u>
Total Paid Before Audit	\$ 613,183.54
Current Audit:	
General	\$ 65,625.78
Community Development - CRC	-
Electric	60,441.40
Sewer	70,026.82
Water	28,305.16
Capital Projects	388.75
Trust & Agency	<u>333.70</u>
Total Current Audit Items	\$ 225,121.61
TOTAL AUDIT	\$ <u>838,305.15</u>

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

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize Resolution No 83-2019 Unpaid Village Taxes to be sent to Yates County Treasurer no later than November 13, 2019.

IT IS HEREBY RESOLVED, that the Village of Penn Yan shall have unpaid 2019-2020 Village Taxes collected by the County of Yates in accordance with the Real Property Tax law, Section 1442, and pursuant to Local Law No. 1, of the County of Yates, for the Year 1978, and be it further.

RESOLVED, that the Village Clerk file a certified copy of this resolution with the Clerk of the Yates County Legislature and the Yates County Treasurer no later than November 13, 2019 and transmit to them the unpaid tax information as required by law.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to make a revision to the Employee Handbook regarding our Testing Policy of alcohol and controlled substances.

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

MOTION by Trustee Benedict, seconded by Trustee Condella to accept Mariann Griffin’s resignation as part time Court Clerk effective December 31, 2019. Mariann started working for the Village Court in 2012. We wish her the best in her future endeavors.

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

MOTION by Trustee Benedict, seconded by Trustee McLoud to accept Michele Swarhout’s resignation as part time Court Clerk effective December 31, 2019. Michele started working for the Village Court in 2015. We wish her the best in her future endeavors.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to create two positions for Part Time Court Clerk and begin recruitment.

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

MOTION by Trustee Benedict, seconded by Trustee McLoud to create one position for an Account Clerk Typist and begin recruitment.

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

MOTION by Trustee Benedict, seconded by Trustee Condella to provisionally appoint Nick Fratto as a full time Police Officer effective 10/19/2019 Group 1 Step 1 \$25.33 per hr.

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

MOTION by Trustee Benedict, seconded by Trustee McLoud to promote Matthew Fritz to WTP Operator retro effective to 9/19/2019, (date of meeting with DOH) Group VI Step 1 \$23.09 per hour.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to appoint Tyler Ayers a permanent position as an Electric Grounds man, effective 10/16/2019. No change in rate.

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

MOTION by Trustee Benedict, seconded by Trustee McLoud to set a Special Board meeting for Friday October 25, 2019 at 10:00 AM for the Annual exit conference with BST auditors.

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

MOTION by Trustee Benedict, seconded by Trustee McLoud to approve the wholesale water and sewer customer reconciliations for the 2018-19 fiscal year completed by Clerk-Treasurer Meeks, and authorizing him to share this information with wholesale customers and incorporate billing adjustments into the next set of invoices.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 87-2019 2019 Audit of Village Justice Court.

WHEREAS, the Village of Penn Yan has a Village Justice Court with one (1) Justice; and

WHEREAS, §2019-a of the Uniform Justice Court Act requires that the Board of Trustees annually cause an examination or audit of the records of the Court; and

WHEREAS, Trustee Benedict and Trustee Spencer completed an examination of Court records on October 12, 2019.

NOW THEREFORE BE IT RESOLVED THAT:

The Board of Trustees approves the Report of Examination of the records for the Penn Yan Village Court dated October 15, 2019 and directs that such report be filed with the New York State Office of Court Administration, the Penn Yan Village Clerk and the Penn Yan Village Court.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for September

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Wayne Marsh, Derek Chisom and Brad Cole to attend the Police Supervision Course from Monday October 21 thru Friday November 8, 2019. Tuition is \$300.00 per student.

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

MOTION by Mayor MacKerchar, seconded by Trustee Benedict to authorize the Annual Trick or Treating to be held on Thursday, October 31, from 6:00PM – 8:00PM in the Village of Penn Yan.

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

FIRE DEPARTMENT:

Chief’s Report for September

Updated listing for Firemen’s Field

Chief Ellis stated they had a great turn out for the Annual Fire House inspection on Wednesday October 9. 38 members were in attendance. We had a good showing.

CODE ENFORCEMENT:

Monthly activity report for September

Atty. questioned how we are doing on the building plans for South Ave. Bruce Lyon explained we meet tomorrow.

Carlie Chilson mentioned she has seen a big dumpster at the Garfield Ave. address. Bruce yes they are working on cleaning it up.

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize the Mayor to sign the lease agreement without any changes with Kevin Mortensen for renting cemetery house located at 361 Elm Street for \$575.00 per month. January 1, 2020 – December 31, 2020.

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

Discussion: Bill Wigsten questioned why is the rent so low. Dan Banach mentioned where it is located and the condition it is in. Years past had tried to rent it at a higher price and people not interested.

PLANNING & DEVELOPMENT:

No meeting for October.

COMMENTS

EXECUTIVE SESSION:

At 6:31 PM, **MOTION** by Trustee McLoud, seconded by Trustee Spencer to enter into Executive Session. Including the Mayor and Trustees, Atty. Brockman, and Clerk/Treasurer Meeks.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:10 PM, **MOTION** by Trustee Spencer, seconded by Trustee McLoud to leave Executive Session and return to regular Village Meeting.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer In recognition of the significant increase in expectations and responsibilities of the Deputy Director of Public Works, annual compensation and

vacation leave for Thomas Schwartz are increased to \$87,000, and three weeks, respectively, effective October 16, 2019.

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

ADJOURNMENT:

At 7:13 PM, **MOTION** by Trustee Benedict, seconded by Trustee McLoud 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: