

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, November 19, 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 Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis; Municipal Chairman R. French, Municipal Commissioner D. Banach, at 6:18PM D. Payne arrived

**ABSENT:**

News Media present: Gwen Chamberlain, Chronicle Express

**PUBLIC:** Billy Wigsten, Tim Marcellus, Mark Morris, Carlie Chilson

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

**6:00 PM PUBLIC HEARING** – Amending Zoning Chapter- Kennel Definition

At 6:02PM **MOTION** by Trustee McLoud, seconded by Trustee Condella to open the Public Hearing

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

Mayor asked if anyone had any comments or concerns. Carlie Chilson questioned about the Local Law and the number of dogs you may have in a household. Atty. Brockman explained the prior definition needed to be revised, if you had 4 or more animals in the home it was a violation. New definition 4 or more domestic animals that are kept, housed, harbored, groomed, bred, trained or offered for sale. Only limitations are if they are for commercial purpose. Not a problem with puppies under 4 months old.

At 6:06 **MOTION** by Trustee McLoud, seconded by Trustee Condella to close the Public Hearing.

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

Atty. Brockman mentioned he had this action as a Type II before, need to reclassify this as an unlisted action.

**MOITON** by Trustee Benedict, seconded by Trustee Spencer to amend the original classification as a Type II to an unlisted action.

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

Atty. reviewed the SEAF (Short Environmental Assessment Form) Amending the definition of “Kennel” in the Zoning Chapter of the Village Code. If the Board approves Atty. will forward it to the county Planning Board for their review and Village Board could adopt at December’s meeting.

**MOTION** by Trustee Spencer, seconded by Trustee McLoud to adopt the SEAF subject to the Village Atty. adding Environmental information to Part 3 of the SEAF and authorization and directing the Mayor to execute it.

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

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize to have an Executive Session to discuss the employment record of an employee and legal counsel.

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

**MINUTES:**

**MOTION** by Trustee Spencer, seconded by Trustee Hoban to approve the Village Board Minutes from October 15, 2019 and Special Village Board meeting October 25, and November 1, 2019.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

Mark Morris from Keuka Lake Association (KLA) explained they have completed their 1<sup>st</sup> season of for HAB'S. The program testing ran 10 weeks. Had 17 various testing spots around Keuka Lake to take samples from, 15 out of the 17 had confirmed for Blue Green Algae. The KLA has finished the 2 year of stream testing. We have looked at 4 main streams around the lake. Trying to understand what nutrients are going into the lake this goes with the 9 element plan. Have a DEC grant and part of the process it's call a (PAC) Project Advisor Council. This consists of many various people around the lake (municipality, County Government, Planning Groups, Soil & Water, Cornell Cooperative Extension, and Keuka College). This will be for another 3 years. The Starry Stonewort is finished. In the past we had a boat steward checking boats going in and out of the lake at the Boat launch. We have been approved from the DEC with Cornell Cooperative Extension for a grant to continue this. Mayor Thanked Mark and the KLA for all their hard work.

At 6:18PM Dave Payne arrive to meeting.

**MOTION** by Trustee Spencer, seconded by Trustee Condella to authorize the Keuka Arts Festival to be held on Saturday, June 13<sup>th</sup> and Sunday, June 14<sup>th</sup> with set up on Thursday and Friday, June 11<sup>th</sup> and 12<sup>th</sup>. Will use Boat Launch area to Main Street Bridge.

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

**MAYOR:**

Mayor MacKerchar reminded everyone the Holiday luncheon is Friday December 13<sup>th</sup> from Noon – 1:00pm at the Fire House. Hope all can attend.

**ATTORNEY:**

Atty. Brockman mentioned the DPW has had issues with a few properties placing large amount of dog feces in the leaf piles. The machine will not pick this up. DPW Supervisor asking if something can be done to stop this. Atty. will meet with Tim Marcellus about this issue later this week.

**COMMUNITY REVITALIZATION:**

Mayor stated we recently received notification the LDC within the Village has been dissolved.

**MUNICIPAL:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to approve sending Ralph Corey, Tyler Ayers and Charlie Bush to QEP (Qualified Electric Person) and Pole Top Rescue training in Fairport on Thursday, November 21, 2019 at a cost of \$1,000.00 total.

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

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$7,706.69

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

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		77,930.42
Electric		139,856.41
Sewer		8,635.04
Water		11,058.45
Community Development- CRC		70.00
	<b>Total Paid Before Audit</b>	\$ 237,550.32
<b>Current Audit:</b>		
General	\$	657,243.46
Community Development - CRC		26,030.00
Electric		95,543.32
Sewer		119,768.99
Water		94,964.97
Capital Projects		7,800.00
	<b>Total Current Audit Items</b>	\$ 1,001,350.74
<b>TOTAL AUDIT</b>		\$ 1,238,901.06

**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 authorize Parker Grill & Keuka Lake Hotel CDBG project grants- Warrant for \$68,126.85.

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to adopt the Notice of Nondiscrimination and associated grievance procedure under the American Disabilities Act, and authorizing their publication via posting at Village Hall and placing on the Village website.

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

**MOTION** by Trustee Benedict, seconded by Trustee Condella to approve the Mayor to sign the MOA between the CSEA and the Village of Penn Yan re: hiring Ralph Corey as a part time Electric Line Worker.

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

Mayor Thanked the Local CSEA Rep. Bill Wigsten and Paul Peters for working with us on the Electric issue.

**MOTION** by Trustee Benedict, seconded by Trustee Spencer to create an additional Part Time Senior Line Worker position.

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

Trustee Benedict updated the Board on the law suit against Town of Milo from Community Bank regarding their tax assessment. Milo is asking the School, County and Village to help pay for the appraisal, estimated cost of \$10,000.00. Atty. stated he is dealing with the same lawsuit in another municipality, that one has been placed on hold. Atty. questioned if the Bank has gone to Court on this yet. Community Bank has blanketed many of the Community banks around Western, NY. Atty. Brockman feels before Board commits on spending money find out will this actually be going forward. Trustee Benedict felt if the other 2 parties are willing to help them we would. Atty. felt should find out where the litigation stands.

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for October

**FIRE DEPARTMENT:**

Chief's Report for October

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize to remove William Wixson from the active roll effective 11/11/2019.

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

**CODE ENFORCEMENT:**

Monthly activity report for October

**MOTION** by Trustee Condella, seconded by Trustee McLoud to authorize Bruce Lyon to attend NYSBOC - New York State Building Officials Delegates meeting on Friday December 6<sup>th</sup> 2019 in Utica, NY. Mileage only.

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

**MOTION** by Trustee Condella, seconded by Trustee Benedict to authorize Bruce Lyon to attend the Annual Holiday Luncheon for Finger Lakes Building Officials Associations meeting on Friday December 13, 2019 in Burgundy Basin, NY. No cost only mileage.

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

**PUBLIC WORKS:**

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to authorize the sidewalk improvement program cost at \$6.00 per square foot for the 2020 season. No change from last year.

**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 Mayor to sign the one year lease with Joe Patchett for the property off Himrod Road beginning January 1, 2020 and ending December 31, 2020, at a cost of \$600.00

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

**PLANNING & DEVELOPMENT:**

Trustee Stewart explained they had 5 members of the Cupola project present. They gave a detail presentation to the Committee. He believes they will discuss this at the Public Works and Public Safety meeting in December.

**COMMENTS**

Atty. Brockman mentioned we just received information yesterday Star Shine would like to have a winery to either do tastings or just sell bottles of wine. Atty. stated usually takes a couple of months to finalize request for the first time. Feel this need to go through the regular process. Would need 3-4 months prior to the event could look at something for next year if still interested. Atty. asked if Trustee Condella could inform the Chamber of this decision, confirmed he would.

Trustee Spencer inquired if any updates on the DRI. Mayor has no new updates, only looking to get contracts out to the different projects. Trustee Hoban did hear that her contract has been approved and waiting for the state to send it back to her. Will take approximately 30-90 days.

Atty. Brockman mentioned at another Municipality Board meeting that he represents it was commented that the minutes for the Penn Yan Village Board were exceptional and should be used as a format. Great job Mary Ann!

**EXECUTIVE SESSION:**

At 6:40 PM, **MOTION** by Trustee McLoud, seconded by Trustee Spencer to enter into Executive Session. Attendance for Executive Session: Mayor and Trustees, Ed Brockman, Gary Meeks, Rom French, Dan Banach, Dave Payne, Brent Bodine, Tom Schwartz

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

**MOTION** by Trustee Hoban, second by Trustee McLoud to amend the previous Motion from the November 1, 2019 Village Board Minutes – To authorize the hiring and provisional appointment of Ralph Corey as a part-time Senior Lineworker, effective November 5, 2019 at the rate of \$35.00/hour, plus recruitment and retention incentives.

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

Motion by Trustee Spencer, second by Trustee McLoud to authorize the hiring and provisional appointment of Adam Folts as a part-time Senior Lineworker, effective December 3, 2019 at the rate of \$35.00/hour, plus recruitment and retention incentives, with authorization conditioned on a Memorandum of Agreement being executed between the CSEA and the Village of Penn Yan.

**ADOPTED** Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 1 Benedict Abstain 0 Absent 0

Amended Motion from Municipal Section of agenda on 11/19/19:

Motion by Trustee Hoban, second by Trustee Spencer to approve sending Ralph Corey, Tyler Ayers, Charlie Bush, and Adam Folts to QEP (Qualified Electric Person) and Pole Top Rescue training in Fairport on Thursday, November 21, 2019 at a cost of \$1,000 total.

**ADOPTED** Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 1 Benedict Absent 0

Motion by Trustee Condella, second by Trustee McLoud to approve paying Charlie Bush and Adam Folts for their hours spent in receiving training for QEP (Qualified Electric Person) and Pole Top Rescue in Fairport on November 21, 2019. To initiate payment for their time spent training, Charlie and Adam should each provide an invoice to the Village of Penn Yan. These payments will then be scheduled for the December warrant, with payment scheduled for December 18<sup>th</sup>.

**ADOPTED** Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 1 Benedict Absent 0

Amended Motion from Administration Section of agenda on 11/19/19:

Motion by Trustee Spencer, second by Trustee McLoud to create two additional Senior Lineworker positions.

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

At 7:40 PM Mayor MacKerchar excused the following from Executive session Rom French, Dan Banach, Dave Payne, Brent Bodine, Tom Schwartz

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 8:16 PM MOTION by Trustee Spencer, seconded by Trustee Hoban to adjourn from Executive Session and return to the regular Village Meeting.

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

**ADJOURNMENT:**

At 8:17 PM Motion by Trustee Spencer, seconded by Trustee McLoud to adjourn from Regular 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:**