

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, December 17, 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

ABSENT:

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: Marsha Devine; Tim Marcellus; Kevin Mattison

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize to have an Executive Session during the regular Board meeting for legal counsel.

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

MOITON by Trustee McLoud, seconded by Trustee Condella to authorize to have an Executive Session at the end of the meeting to discuss the employment record of an employee.

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

MINUTES:

MOTION by Trustee Spencer, seconded by Trustee McLoud to approve the Village Board Minutes from November 19th, 2019.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

No comments

At 6:05 PM Mayor and Trustees to enter into Executive Session for legal counsel. Mayor invited Atty. Brockman and Clerk/Treasurer to attend.

At 6:17 PM Mayor and Trustees left Executive Session and returned to the Regular Board meeting.

MAYOR:

Mayor MacKerchar explained he has received a few letters from the junior class at Penn Yan Academy. This year's request were a wide range of topics from Village Code regarding pigs in the Village, disaster assistance, drugs, more trash cans around the village for needles, needing more education on drugs, Youth Center for kids to go and hang out after school and last one dealing with pot holes on North Ave. Mayor explained these were interesting topics this year.

ATTORNEY:

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Resolution No 88-2019 (A) Declaring Certain Premises Owned by the Village of Penn Yan to Be Surplus Real Property

WHEREAS, the Village of Penn Yan owns certain real property in the Village of Penn Yan which is located between Main Street and Champlin Ave., north of East Elm Street in the Village of Penn Yan through which Jacobs Brook runs, conveyed to the Village of Penn Yan by Deed recorded in the Yates County Clerk's Office on July 28, 1972 in Liber 247 of Deeds at page 408; and

WHEREAS, a portion of such real property is not presently dedicated to any use by the Village of Penn Yan, and

Brent Bodine, the Village Director of Public Works, has certified that such property will not be required for any other governmental purpose by the Village of Penn Yan; and

WHEREAS, the Village is considering the sale of the subject parcel of land; and

WHEREAS, the Board of Trustees intends to act as “Lead Agency” for SEQRA issues related to any sale of such land.

NOW THEREFORE BE IT RESOLVED, that:

1. The following described premises owned by the Village of Penn is hereby declared to be surplus real property, not required for use by the Village of Penn Yan for governmental purposes and such property may accordingly otherwise be transferred at the direction of the Board of Trustees of the Village of Penn Yan:

A parcel of land consisting of approximately 0.02 acre (1350 sq. ft.) as depicted on the copy of a map of a survey attached hereto, made by Kenneth William Larson, L.S. 050322 dated 10/01/2013, and designated thereon as Jon No. 00-067-80.

2. The Board of Trustees designates itself as “Lead Agency” with respect to SEQRA issues related to this action, determines this to be an unlisted action and therefore a Short Environmental Assessment Form (SEAF) will be reviewed and adopted.

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

Atty. Brockman reviewed the SEAF (Part 1) for Sale of .02 acres north of East Elm Street. The Atty. stepped out to review paper work for Part 2 and 3 of the SEAF.

Mayor moved forward with the Agenda items.

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee McLoud, seconded by Trustee Spencer to grant sewer forgiveness in the amount of \$116.35 to Karla VanDelinder, 346 Main St, Apt 3

MOTION by Trustee McLoud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$6,230.61

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

FINANCE & ADMINISTRATION:

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

AUDIT:

		Amount:
Paid Before Audit:		
General		26,099.69
Electric		165,813.53
Sewer		6,898.64
Water		7,137.31
Capital Projects		
	Total Paid Before Audit \$	205,949.17
Current Audit:		
General	\$	55,215.48
Community Development - CRC		-
Electric		140,754.53
Sewer		45,424.41
Water		25,145.08
Capital Projects		-
	Total Current Audit Items \$	266,539.50
TOTAL AUDIT	\$	472,488.67

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 CDBG project grants-Warrant for \$46,717.21

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 authorize the lease renewal agreement with Pitney Bowes for the postage metering system and have Deputy Clerk-Treasurer Holly Easling sign and execute the agreement.

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 the Mayor to sign the Budget Modification Form and Budget Modification Request Letter for Parker’s Grille CDBG project #895ED929-19. The budget modification reallocates \$70,000.00 of the budget line for inventory, supplies and working capital to furniture, fixtures, and equipment. The total project costs have not changed.

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 promote Cody Staples to DPW HEO Grade 5 Step Start 22.24 per hour, effective December 18, 2019. Probation period to end 4/8/2020, one year employed.

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 adopt Village of Penn Yan Limited English Proficiency Plan

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 a Full time Deputy Code Enforcement Officer position and begin recruitment contingent on Civil Service approval of the New Position Duties Statement.

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 the resignation of Crystal Bailey effective January 3, 2020 and authorize to begin recruitment. Thank you for your service here and we wish her the best in her future endeavors.

Discussion: Mayor and Board Thanked Crystal for her employment and best of luck.

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 the resignation of Justice Matthew Conlon effective December 31, 2019. Thank you for your service here and we wish him the best in his 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 authorize to hire Sonja Fredenburg as Account Clerk Typist Group 2 Step Start \$19.98 per hour, effective January 6, 2020. This will be 1 year probation till January 6, 2021.

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 authorize to hire Joseph Yankanich as Apprentice Lineworker on a provisional basis Group VI Step Start at \$22.69/hr. with an effective start date of January 6, 2020.

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 appoint Nick Fratto to a probationary position of Police Officer Group 1 \$28.00 per hour his end of a probation is October 19, 2020.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for November

MOTION by Trustee Condella, seconded by Trustee McLoud request to send Jeff Stewart to defensive tactics instructor refresher training in Oneida County Jan 8th and 9th, 2020. The training is free, but will require one night stay in a hotel cost TBD.

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

FIRE DEPARTMENT:

Chief's Report for November

CODE ENFORCEMENT:

Monthly activity report for November

At 6:38 PM Chief F. Ellis left the Village meeting.

Atty. Brockman continued with reviewing the SEAF Part 2 & 3 for Sale of .02 acres north of East Elm Street.

MOTION by Trustee McLoud, seconded by Trustee Condella to adopt the SEAF Sale of .02 acre north of East Elm Street and authorize the Mayor to sign the SEAF.

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 89-2019 (B) Directing Sale of Surplus Property North of East Elm Street

WHEREAS, certain premises owned by the Village located North of East Elm Street was previously certified to be surplus property by Department of Public Works Director Bodine and such premises were subsequently declared to be surplus by Resolution duly adopted by the Board of Trustees of the Village of Penn Yan on December 17, 2019; and

WHEREAS, an appraisal of said premises has been obtained, indicating the value of said premises to be \$2,600.00; and

WHEREAS, an instrument survey of said premises has been obtained the cost of which was \$500.00; and

WHEREAS, the minimum sales price for said premises should be approximately the appraised value.

NOW THEREFORE BE IT RESOLVED THAT

The Mayor shall offer said parcel for sale at auction upon ten (10) days notice, for a price not less than \$2,500.00, on a date and at a time to be set by the Mayor, and upon standard terms including a cash sale, all costs of the sale and transfer of title to be the responsibility of the buyer of said property.

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

MOTION by Trustee McLoud, seconded by Trustee Stewart to direct the Village Attorney to draft a proposed Local Law to amend Article 1 “Code enforcement Officer”, of Chapter 19, “Officers and Employees”, of the Village code, to place the code enforcement officer under the authority of the DPW Director, as well as such other modifications of such Article as the Board of Trustees deems appropriate or necessary.

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

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Resolution No 90-2019 Supplemental Approval of Agreements For Electric Service From Old Route 14 A To Horizon Business Park and Sewer Service To the Fairgrounds Including Payment of Financial Consideration To the Yates County Agricultural Society for Acquisition of the Electric Pole and Wire Easement

WHEREAS, based upon Resolutions No. 57 and No. 58 of 2019 adopted by the Board of Trustees, the Board has undertaken to adopt an amendment to the Sewer Chapter for the purpose of permitting Village wastewater sewer service outside the Village, other than to a municipal wastewater sewer district, under circumstances where providing such wastewater sewer service will benefit the Village, financially or otherwise; and

WHEREAS, the amendment to the Sewer Chapter has been adopted; and

WHEREAS, the owner of the “Fairgrounds” property on Old Route 14A to wit: The Yates County Agricultural Society (Society) has agreed to provide the Village with permanent and perpetual easement for transmission of electric service across its property from Old Route 14A to Horizon Business Park (HBP) for financial compensation and in return for the Village providing municipal wastewater sewer service to the fairgrounds, the Society paying any and all expenses related to connection to the wastewater sewer system and as an “outside the Village” paying sewer customer; and

WHEREAS, the providing of such an easement to the Village in return for financial compensation from the Village, as well as providing municipal wastewater sewer service at outside the Village rates will still benefit the Village financially and otherwise; and

WHEREAS, Clerk/Treasurer Meeks has filed a Certificate stating that the agreement with the Society provides such financial and other benefits to the Village; and

WHEREAS, an additional easement is necessary from Gordon Randall Properties LLC in the Horizon Business Park to complete the electric transmission into the Horizon Business Park; and

Now Therefore, be it Resolved

1. That the prior SEQRA review with respect hereto is sufficient and adequate and is hereby ratified and affirmed.
2. The Board of Trustees approves the execution of the agreements between the Village and the Society with respect to the easements and sewer service including the payment to the Society of the sum of \$30,000.00, as and for the further consideration for the granting of the electric pole and wire easement, the acceptance of said easement being conditioned upon the approval thereof by Village legal counsel, the Village DPW Director and the Village Mayor as to form and content.
3. The Mayor is authorized and directed to execute such documents as are required for the acceptance and recording if such easements.
4. The Village Treasurer is authorized to expend such funds as are necessary to effectuate the agreement as well as the recording of such easements with the Yates County Clerk.
5. Conditioned upon the receipt and recording of the easement from the Society, the DPW is authorized, based upon the benefits received by the Village from the granting of the subject easement from the

Society, to proceed with installation of a manhole on the Fairgrounds property and making a sewer connection from the Fairgrounds to the Village wastewater sewer system.

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

MOTION by Trustee Spencer, seconded by Trustee Condella to authorize Resolution No 91-2019 Approval of Agreement For Acquisition of Electric Pole and Wire Easement From Gordon-Randall Properties, LLC, with an amendment to Paragraph 4 to add payment of Attorney fees for Gordon-Randall Properties, LLC not to exceed \$500.00.

WHEREAS, Gordon-Randall Properties, LLC has agreed to provide the Village with a permanent and perpetual easement for transmission of electric service across its property into Horizon Business Park (HBP) without any consideration therefor; and

WHEREAS, the easement is necessary from Gordon-Randall Properties LLC in the Horizon Business Park to complete the electric transmission into the Horizon Business Park;

Now Therefore, be it Resolved

1. That the prior SEQRA review with respect hereto is sufficient and adequate and is hereby ratified and affirmed.
2. The Board of Trustees approves the execution of the agreements between the Village and Gordon-Randall Properties, LLC with respect to the easement, the acceptance of said easement being conditioned upon the approval thereof by Village legal counsel, the Village DPW Director and the Village Mayor as to form and content.
3. The Mayor is authorized and directed to execute such documents as are required for the acceptance and recording of such easement.
4. The Village Treasurer is authorized to expend such funds as are necessary for the recording of such easements with the Yates County Clerk and payment of Attorney fees for Gordon-Randall not to exceed \$500.00.

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

PUBLIC WORKS:

No update

PLANNING & DEVELOPMENT:

Trustee Stewart mentioned the meetings for January & February, 2020 will be moved to the second Monday of the month at 10:00AM due to Holidays.

COMMENTS

EXECUTIVE SESSION:

At 6:47 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to enter into Executive Session to discuss employment record of an employee. Mayor invited Atty. Brockman, Clerk/Treasurer G. Meeks and Deputy Director of Public Works T. Schwartz to attend.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:55 PM, **MOTION** by Trustee Benedict, seconded by Trustee Hoban 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 McLoud to appoint Michael Christensen as Interim Justice from 1/1/2020 to 3/31/2020 at an annual salary rate of \$22,259.00.

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

ADJOURNMENT:

At 8:03 PM, **MOTION** by Trustee MacKerchar, 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: