

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 17, 2020 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor MacKerchar; Trustees C. Benedict; D. Condella; K. McLoud; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks

ABSENT: Trustee T. Hoban; Deputy Clerk/Treasurer H. Easling; Director of Public Works T. Schwartz; Deputy Dir. Of Public Works TBD; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis

News Media present: John Christensen, Chronicle Express

PUBLIC: Karen Morris, Kris Pearson, Bill Wigsten

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

6:00PM PUBLIC HEARING – Local Law C 2020 Streets and Sidewalks

At 6:00 PM **MOTION** by Trustee McLoud, seconded by Trustee Condella to open the Public Hearing for Amendment of Chapters 42 and 174 of the Village Code regarding sidewalk service of food and beverages.

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

Mayor MacKerchar asked if anyone had any comments or concerns. Kris Pearson, Executive Director of the Arts Center and a member of the Chamber of Commerce stated this has been an ongoing discussion with several organizations. Feels the organizations and Village would benefit to be able to have some sort of alcohol at their events. She is asking the Village to be more flexible with having alcohol at the events feels will bring more business to the Village. Mayor MacKerchar explained the present code which we are discussing is to standardize to deal with business for outside seating for dinner and cocktails. It would not affect any permits we give to festivals and events.

At 6:05 PM **MOTION** by Trustee Benedict, seconded by Trustee Spencer to close the Public Hearing.

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

Atty. Brockman reviewed in full the SEAF (Short Environmental Assessment Form) Amendment of Chapters 42 and 174 of the Village Code regarding sidewalk service of food and beverages.

MOTION by Trustee Stewart, seconded by Trustee McLoud to authorize Resolution No 25-2020 Adoption of Local Law Amending the “Alcoholic Beverages” Chapter and “Streets and Sidewalks” Chapter of the Village Code with Respect to Sidewalk Service of Food and Beverage

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; and

WHEREAS, the Board of Trustees has reviewed a proposed Short Environmental Assessment Form (SEAF).

NOW THEREFORE, BE IT RESOLVED, THAT

1. The Board of Trustees adopts the SEAF and issues a Negative Declaration.
2. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law.
3. 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.

Discussion: Mayor explained this will go into effect in the Spring of 2021. This year businesses are under their current permit. Everyone will have to reapply weather you had a permit or not.

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

CALL FOR EXECUTIVE SESSION:

No Executive Session needed at tonight’s meeting.

MINUTES:

MOTION by Trustee Spencer, seconded by Trustee McLoud to approve the Village Board Minutes from February 18, 2020.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Bill Wigsten CSEA President was asked by the union members a while ago to address the Village Board why the delay in getting the CSEA contracted started. With speaking with members today they wanted the Board to know they understand the situation going on with the COVID-19. CSEA members are okay with postponing discussion for 3 weeks to a month. This will allow the Village to concentrate on the current event and not have to worry about the contract right now. Mayor and Board were thankful for that. Bill also was asked to see what the Village’s intent was with the COVID-19. Mayor mentioned this issue will be discussed tonight it’s already on agenda. Mayor explained we are looking at the safety and well-being of the people in Penn Yan and our employees.

Mayor mentioned Soldiers & Sailors Hospital 5K run for April 4, 2020 has been cancelled this year due to the COVID-19.

After a discussion regarding the State of Emergency with the Coronavirus the Mayor and Village Board decided it was in the best interested to table following events at present. (A few of the events may be able to reschedule to another date for this year).

MOTION by Trustee Benedict, seconded by Trustee Condella to table the following five events until further notice until we know more regarding the COVID-19.

After a brief discussion the Board had four not five events to table.

Amend previous Motion – **MOTION** by Trustee Benedict, seconded by Trustee Condella to table the following four events until further notice until we know more regarding the COVID-19.

- the annual Penn Yan Youth Baseball and Softball Parade on Saturday, April 25, 2020. Will start at Boat Launch at 10:00AM proceed on Keuka Street to Elm Street up to the Sports Complex
- to authorize the 24th Annual Cruisin’ Night for Friday June 19, 2020. Asking to have following Streets closed starting at 3:30 PM until 9:30 PM: Main St. to Chapel St. and Main St. to Lake St. and Lake St. from Main to Ogden St. as well as Maiden Lane.
- the annual First Presbyterian Church to hold their Annual Easter Sunrise Service on Sunday April 12, 2020 at 7:00AM at Indian Pines Park.
- the annual Penn Yan Area Council of Churches Hunger Walk for Sunday May 3, 2020 starting at 1:00PM. Start at Penn Yan Presbyterian Church to Elm street to Liberty Street to North Ave. and Main Street.

Discussion: Village Clerk will notify the event organizers the Boards decision to table their events.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize to revise the original Motion from February 18th, 2020. The Willow Running Half Marathon/10K run will begin and end at the Lake Street Park and not at the Boat Launch. Event to begin at 8:30AM and wrap up around Noon on Sunday September 27, 2020

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

The Village Board decided the DPW will be working during the COVID-19. They work outside and can be separated during the Spring Brush Cleanup. Time may vary a bit from the original schedule time frame of March 30 -April 29th

After a brief discussion the Board decided to postpone the Village and Town of Milo Cleanup Day that was set for Saturday May 2nd at the Waste Water Treatment Plant. (Time change to 8:00 AM – Noon in the past ran from 8:00 AM – 2:00 PM). Will need to discuss a new date.

MOTION by Trustee McLoud, seconded by Trustee Spencer to allow to have distilleries and ciders at the Keuka Arts Festival for June 13 & 14th, 2020 along with wine and beer tastings. Will authorize four booths with two vendors for each of the booths.

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

MAYOR:

Mayor MacKerchar explained NYCOM has rescheduled all the Village elections to April 28th, 2020. Mayor mentioned our current positions are not being contested by anyone. He feels we should be able to continue with our Organizational meeting as planned for Monday April 6th at 5:00PM.

Mayor MacKerchar explained the County has declared a State of Emergency and feels the Village should have one in place. Mayor presented to the Board a Local State of Emergency Proclamation. This emergency is a new thing for all of us. Things are changing by the hour. The Proclamation will be sent to Yates County Clerk, Department of Yates County Emergency Management, Department of State -Secretary and the Village Clerk will retain a copy.

Mayor MacKerchar read in full the COVID-19 Response and Actions on how the Village will be respond during this emergency.

ATTORNEY:

Local Law D 2020 Amending the Zoning Chapter with respect to notice requirements for Public Hearings, time limits for public hearings and decisions, number of site plan prints required in connection with special use permits and site plans

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 24-2020 Proposed Local Law Amending the “Zoning” Chapter of the Code of the Village of Penn Yan and set a Public Hearing for April 21, 2020 at 6:00 PM.

WHEREAS, it has been determined that provisions of the Zoning Chapter of the Code of the Village of Penn Yan dealing with Special Use Permits and Site Plans does not confirm with State law as to time limits for Notice of Public Hearings and decisions and therefore requires amendment; and

WHEREAS, a proposed Local Law has been circulated to the Board of Trustees; 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 designates itself as “Lead Agency” for SEQRA issues related hereto, determines that there will be no environmental impacts resulting from this action, since only administrative criteria are amended, therefore declares this to be a “Type II” action and accordingly no environmental review will be undertaken.
2. That a public hearing on the proposed Local Law is hereby scheduled for April 21, 2020 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

Local Law E 2020 Vehicles and Traffic Chapter

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 26-2020 Amending the “Vehicles and Traffic” Chapter of the Village Code with Respect to Establishing an Area on the South Side of Court Street Between Main Street and Liberty for Use as Parking for Department of Motor Vehicles Road Tests. Set a Public Hearing for April 21, 2020 at 6:05 PM.

WHEREAS, it has been recommended by the Village Public Safety Committee that an area be established on the south side of Court Street between Main and Liberty Streets for use by New York State Department of Motor Vehicles for parking incidental to driver’s license road tests; 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 an “Unlisted” under SEQRA and therefore review and completion of a Short Environmental Assessment Form (SEAF) will be undertaken.

2. That a public hearing on the proposed Local Law is hereby scheduled for April 21, 2020 at 6:05 p.m. and legal counsel is directed to provide notice thereof by posting and publication.

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

COMMUNITY REVITALIZATION:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to extend till May, 2020 for the update status report for the project and the elevator at for Milly’s Pantry.

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

MUNICIPAL:

MOTION by Trustee McLoud, seconded by Trustee Condella to allow Department of Public Works Office to advertise and canvas village residents to generate a list of participants for Water Heater Demand Response Program trial.

Discussion: Mayor feels this is a good program, looking for 10 electric customers and presently have 4 for the hot water tanks. Gary mentioned the Director of Public Works is assessing if this is a priority right now during the current COVID-19 event.

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

After a brief discussion it was decide the following was either postponed or cancelled until further notice until we know more regarding the COVID-19. The following three were not voted on.

- Resolution No 27-2020 to authorize Dan Banach as the delegate for Village of Penn Yan Semi-Annual Meeting on April 22-23 in Syracuse, NY.

ROLL CALL VOTE

- to authorize Ron Keech, Rob Ayers, Jeff Hulse, Chad Covell, and Shawn Searles to use a Village vehicle to attend Western NY Superintendents Association’s 2020 Equipment Show on April 8th in Rochester, NY.
- to authorize the representation from seven personnel to nine for the Finger Lakes Water Works Conference – 2020 Spring Meeting on April 2, 2020 in Geneva, NY. Fee: \$225.00 (total).

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to grant sewer forgiveness in the amount of \$90.45 to Alicen Yonts, 115 Glencoe Avenue.

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

MOTION by Trustee McLoud, seconded by Trustee Benedict to authorize Rainer Hamm to attend a week long training (dates TBA) for “Advanced Welding Course by Haun Welding Supply” in Syracuse, NY. Course fee: \$750.00, Hotel cost: TBD, Use of vehicle.

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize the following personnel, Clifton Chase, Thomas Schwartz and Steve Castner, will be attending New York Rural Water Association’s 41st Annual Technical Training Workshop & Exhibition from May 18- May 20, 2020 in Lake Placid, NY. Fee: Training \$900.00 + Accommodations \$1,161.00 = Total \$2,061.00 + Mileage reimbursement

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of **\$7,433.05**

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

Atty. Brockman mentioned the Municipal Board last week approved to consider adoption of a motion to do with the RBC (Rotating biological contactor) rehab program. He feels since the MUB recommended this to go to the Village Board. Atty. feels the board should have a Motion on the agenda and then they can table it until they can address it in the future.

MOTION by Trustee Spencer, seconded by Trustee Condella to add this to this agenda the Resolution for determination of Best value with respect to repaid and rehab of the bio contract system.

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

MOTION by Trustee Condella, seconded by Trustee McLoud to table the previous motion until a future Village Board meeting.

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

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	26,353.82
Electric	301,907.19
Sewer	9,029.54
Water	8,469.09
Capital Projects	
Total Paid Before Audit	\$ 345,759.64
Current Audit:	
General	\$ 290,142.07
Community Development - CRC	-
Electric	38,308.32
Sewer	50,855.09
Water	43,523.18
Capital Projects	-
Total Current Audit Items	\$ 422,828.66
TOTAL AUDIT	\$ 768,588.30

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

MOTION to authorize Parker Grill CDBG project grants- Warrant for \$37,708.18.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize the Mayor to sign the request for a second budget modification for CDBG Project #895ED929-19 (Parker’s Grille). The total amount of the project is unchanged at \$226,000, but the budget line item for furniture, fixtures, and equipment is being increased by \$20,000, with a corresponding reduction to the amount allocated to working capital.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to have the Tentative Budget review for General Fund Budget for 2020/2021 Fiscal Year on Monday March 23 10:00 AM.

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

MOTION by Trustee Benedict, seconded by Trustee McLoud to set a Public Hearing on Monday April 6, 2020 at 5:00 PM at the Organization meeting.

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

MOTION by Trustee Benedict, seconded by Trustee Spencer to accept the resignation of Tami Marchionda upon her retirement date of April 29, 2020. We would like to thank her for her 30 years of continues service her at the Village We wish her the best in her retirement.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for November

FIRE DEPARTMENT:

Chief's Report for February

MOTION by Trustee Benedict, seconded by Trustee Spencer to remove John Tharp from the active roll effective March 9, 2020.

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

FYI - Update Firemen's Field listing for 202. Atty. Brockman asked to have the listing revisited at the next Public Safety meeting.

CODE ENFORCEMENT:

Monthly activity report for February

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Benedict to authorize the DPW Crew to attend Cornell Local Roads Program (Clip's) "Surveying" on May 12th in Guadalcanal, NY. Crew will use Village vehicles to attend. Fee: \$50/person, total \$300.00. This will all depend on the COVID-19 event.

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

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Tim Marcellus to attend Cornell Local Roads Program (CLRP's) "Running Your Highway Department" on May 20th in Bath, NY. Tim will use a village vehicle to attend. Fee: \$50.

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to declare Old PW6 -2015 Ford F-250 pickup truck- as surplus asset to be sold this Spring/Summer on Auctions International.

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

PLANNING & DEVELOPMENT:

Trustee Stewart mentioned the food truck subcommittee has received some new regulations that will be taking effect. They are incorporating them into their plans. The subcommittee is looking at the zoning

Chapter, still working on it when complete will present to Planning & Development and within the next few months bring to the Village Board.

COMMENTS

EXECUTIVE SESSION:

No Executive Session tonight

ADJOURNMENT:

At 6:59 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to adjourn the regular Village Board meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: