

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, April 20, 2021 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT Mayor MacKerchar; Trustees D. Condella; T. Hoban; N. Koek; 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, M. Pedersen; Yvonne Tucker (WWTP), D. Banach Municipal Commission

ABSENT:

News Media present:

PUBLIC: George Thompson, Mark Morris, Carlie Chilson

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

Mayor MacKerchar- administered the *Oath of Office* to Norman (Norm) Koek to fill an unexpired term as a Trustee for 1 year. (2022). Village Board welcomed Norm.

MINUTES:

MOTION by Trustee Condella, seconded by Trustee Spencer to approve the Village Board Minutes from March 16, 2021 and Special Village Board meeting on March 24, 2021 and Organization Meeting April 5, 2021

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

COMMUNITY REVITALIZATION:

Mayor mentioned no new application right now. He is aware of a few interested applicants.

6:05 PM PUBLIC HEARING– Amending Subdivision Chapter Providing notice of Public Hearings by posting yard signs rather than mailing notices.

At 6:05 **MOTION** by Trustee McLoud, second by Trustee Hoban to open the Public Hearing.

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

Mayor asked if any one had any comments or questions regarding the Subdivision Local Law .

Atty. Brockman explained this has four sections that could possibly have Public Hearings. The present Village Code requires all property owners 500 feet of the location that is under consideration, be notify of the Public Hearing these would be mailed to them. The State Law does not require anymore. The notice will be advertised in the paper, post on the Village Bulletin Board and a sign will be placed in the yard of the property that is requesting the change. The sign in the yard will have all the information of the Hearing and a number to call for more information.

At 6:07 PM **MOTION** by Trustee McLoud, second by Trustee Condella to close the Public Hearing

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

Atty. asked to have the Resolution pertaining to the Subdivision to be table until next month. He made changes to the law and for some reason some of the wording got changed and others did not. He will revise this and will resend to Board. Atty. stated it does not effective the Public Hearing the Board has received the Red Line copy.

MOTION by Trustee Hoban, second by Trustee McLoud to table Resolution No 24-2021 Adoption of Local Law – Amending the “Subdivision” Chapter of the Code of the Village of Penn Yan With Respect to Public Hearing Notices until the May 18 Village Board meeting.

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

Mayor stated this is the first in person Village Board meeting in a long time. Good to be back. Thanked everyone for all your corporation. Mayor mentioned the DRI contractors are starting to look at contract.

6:10 PM - PUBLIC HEARING - Tentative Municipal Utilities Budgets for 2021-2022

At 6:10 PM Atty. Brockman had to be dismissed from the meeting for a short time.

Mayor asked if anyone had any questions or wish to speak regarding the Budgets.

Gary Meeks Clerk/Treasurer will briefly discuss the Municipal Budget for Water, Sewer and Electric. Gary mentioned Health Care projected to go up 6.6% based on past history, purchasing seven new laptops, replacing the Village's server, investing in software platform from Dude Solution. Have a major project of approximately \$487,000 for Maiden Lane replace water and sewer main as well as storm sewer. Electric has been a challenge with building staff up. Had a significant increase of around \$12.00/hour to stay in line of what the market is paying. Expecting most of the maintenance work and some of the capital work to be done in house. Have six projects four would be contracted out. Our crew does not have the ability to do them, other two will be done in house approximately \$67,000. Do need to watch the spending. Gary asked if any question.

At 6:17 PM Atty. Brockman returned to the Board meeting.

6:25 PM **MOTION** by Trustee Spencer, second by Trustee Condella to close the Public Hearing.

MOTION by Trustee Spencer, second by Trustee McLoud to authorize Resolution No 22-2021 Budget Adoption the Village and Municipal budgets for 2021-2022.

WHEREAS, the Board of Trustees of the Village of Penn Yan has met at the time and place specified in the Notice of Public Hearing (Monday, April 5, 2021 for Village and Tuesday, April 20, 2021 for Municipal Utilities, Electric, Water and Sewer) for the preliminary Budgets and heard all persons desiring to be heard thereon: now,

THEREFORE, BE IT RESOLVED, that the preliminary Budgets as amended and revised and as hereinafter set forth are hereby adopted and that several amounts stated in the column titled "Tentative or Adopted" are hereby appropriated for the objects and purposes specified and the salaries and wages stated in such budgets shall be and are hereby fixed at the amounts shown therein effective June 1, 2021.

MOTION by Trustee Condella, second by Trustee Spencer to authorize Resolution No 23 - 2021 for the Water and Sewer Rent Rates and Fees effective June 1, 2021.

WHEREAS, provisions of §154-2 and §154-7 of the Sewer Rents Chapter of the Code of the Village of Penn Yan establish the sewer rent rate computation and review of charges; and

WHEREAS, provisions of §198-16.1 of the Water Rents Chapter of the Code of the Village of Penn Yan establish the water rent computation; and

WHEREAS, the Municipal Utility Board of the Village of Penn Yan has reviewed the annual budgets for the 2021-2022 fiscal year and reviewed information relative to the existing rates and fees charged for water and sewer and has determined the same should be modified; and

WHEREAS, the Municipal Utility Board of the Village of Penn Yan has recommended to the Board of Trustees of the Village of Penn Yan that the following rates for water and sewer customers of the Village of Penn Yan be established; and

NOW THEREFORE BE IT RESOLVED that the following rates and fees are hereby established, effective June 1, 2021 until the same shall be modified or amended by subsequent resolution of the Village of Penn Yan

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

MOTION by Trustee Condella, second by Trustee Spence to authorize Resolution No 23-2021 for the Water and Sewer Rent Rates and fees effective June 1, 2021.

WHEREAS, provisions of §154-2 and §154-7 of the Sewer Rents Chapter of the Code of the Village of Penn Yan establish the sewer rent rate computation and review of charges; and

WHEREAS, provisions of §198-16.1 of the Water Rents Chapter of the Code of the Village of Penn Yan establish the water rent computation; and

WHEREAS, the Municipal Utility Board of the Village of Penn Yan has reviewed the annual budgets for the 2021-2022 fiscal year and reviewed information relative to the existing rates and fees charged for water and sewer and has determined the same should be modified; and

WHEREAS, the Municipal Utility Board of the Village of Penn Yan has recommended to the Board of Trustees of the Village of Penn Yan that the following rates for water and sewer customers of the Village of Penn Yan be established; and

NOW THEREFORE BE IT RESOLVED that the following rates and fees are hereby established, effective June 1, 2021 until the same shall be modified or amended by subsequent resolution of the Village of Penn Yan

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Hoban, seconded by Trustee McLoud to authorize to have an Executive Session for work history of an employee. Mayor has requested Gary Meeks and Tom Schwartz attend.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Carlie Chilson had a few questions she was approached by a residents. There is a tree in Jacob Creek near the School. They are wondering is this something the Village will take care of or the school should remove it. Mayor asked to have them contact the office to get a service request written up and we will look into it. Carlie asked if the Mayor and Board are aware of any middle-income housing coming available. She mentioned these people make too much for lower income. Mayor is aware that yes, we need housing for middle income families. Carlie asked could the public be notified if there are any plans in the works for this. Mayor stated these have to go to the Planning Board and review the site plans, then a Public Hearing will be held. We post Hearings in the paper and on the Village Board.

Mark Morris mentioned he will be attending the Seneca Water Shed Intermunicipal Organization meeting on April 29 at 7:00 PM and will report back at the May’s meeting if the Board is interested. Mark also mentioned he will be running and hope to fill Earle Gleason seat for County Legislature.

MAYOR:

ATTORNEY:

MOTION by Trustee Stewart, second by Trustee McLoud to authorize the change of Zoning at Horizon Business Park from Planned Business (PB) to Industrial (I). Previously approved by the Planning and Development and Planning Committees.

Discussion: Atty. Brockman explained the majority of usage at Horizon are Industrial. For an example at present if someone wants to put up a new sign, they have to go to the ZBA (Zoning Board of Appeal) for approval. Looking to modify it too Industrial instead of Planned Business. Will not change the Code nor do we need a Local Law. Atty. mentioned the Planning & Development and Planning committees approved this. Will need a Public Hearing and a SEQRA at May’s Board meeting and will forward to Yates County Planning Board.

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

MOTION by Trustee Koek, second by Trustee McLoud to authorize the release of Conifer’s LOC (Letter of Credit) that was secured by the Village for completion of sidewalk. Atty. to draft a MOU Memorandum of Understanding with the developer, release of funds since no further expansion of Meadowside. Previously approved by the Planning and Development and Planning Committees.

Discussion: Atty. Brockman explained years ago when Conifer developed Meadowside. They had plans to develop single family residences behind the current buildings. At present no buildings have been or nor plans have been submitted for construction. The Village Planning Board requested a sidewalk be put in place for the single-family residences. Conifer had to have a letter of credit to the Bank. Conifer is now asking for a release of that letter of credit. The Planning Board has agreed to the release with the stipulation with Conifer that if they decide to go with development that this would be reinstated for sidewalks to be installed.

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

MOTION by Trustee Condella, second by Trustee Spencer to authorize the Policy and Procedure for the CAC (Community Art Committee). Previously approved by the Public Works committee.

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

MOTION by Trustee Condella, second by Trustee McLoud to authorize Resolution No 26-2021 Amending Article I, Amending Article I, “ Maintenance of Sidewalks” of Chapter 174 “Streets and Sidewalks” of the Village Code

Discussion: Atty. Brockman explained it has been if you wanted your sidewalk improved you needed to pay in advance. Looking at amending this to allow residents to enter into payment plans for installation of sidewalks. Will incorporate guidelines and finances are current and if not paid will be re-levy on taxes.

HEREAS, the use of payment plans for sidewalk replacements pursuant to Chapter 174 “Streets and Sidewalks” is anticipated; and

WHEREAS, an amendment of that Chapter to allow for collection of unpaid sums pursuant to such payment plans is deemed necessary; 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 will have no detrimental environmental impacts and therefore is declared to be a “Type II” action under SEQRA and accordingly no environmental review will be undertaken.
2. The Village Attorney is requested to prepare a proposed Local Law with respect to this matter.

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

MUNICIPAL:

MOTION by Trustee McLoud, second by Trustee Spencer to authorize the Mayor to sign the letter for the Sponsor Information Sheet for the lineman apprentice program.

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

MOTION by Trustee McLoud, second by Trustee Condella to authorize 6 employees of the Water/Sewer Department to Attend the WNY Superintendents Association 2021 Equipment Show September 15, 2021 at no cost. The crew will be using Village vehicles for transportation to the show.

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

MOTION by Trustee McLoud, second by Trustee Condella to authorize no new Septage Hauling permits be issued until the Waste Water Treatment Plant has been repaired and all RBC’s are running at full treatment capacity.

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

MOTION by Trustee McLoud, second by Trustee Condella to authorize Rainer Hamm to attend the Morrisville Environmental Training Center Basic Operations course in November. Cost to attend Course is \$950, Hotel for 9 nights \$1350, Meals for 9 days \$270 and \$225 for mileage if not driving Village Vehicle.

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

MOTION by Trustee McLoud, second by Trustee Stewart to authorize 2 WWTP employees and the Director or Deputy Director of Public Works to attend the Southern Tier Water Works seminar May 12, 2021 in Big Flats. The cost is \$28 per person.

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

MOTION by Trustee McLoud, seconded by Trustee Koek to approve Utility Payment Agreements in the amount of \$17,259.10

Discussion: Trustee Stewart questioned the rise in the amount. Holly explained these are the payment agreements for people that are starting to make the arraignments for payment during the moratorium. We are still unable to do any shut offs. The Office advises residents of the different organizations for help.

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

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	27,343.09
Electric	326,057.56
Sewer	7,997.32
Water	8,368.39
Capital Projects	
Total Paid Before Audit	\$ 369,766.36
Current Audit:	
General	\$ 57,314.60
Community Development - CRC	-
Electric	23,995.35
Sewer	54,541.26
Water	59,681.84
Capital Projects	-
Total Current Audit Items	\$ 195,533.05
TOTAL AUDIT	\$ 565,299.41

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

MOTION by Trustee Spencer, second by Trustee Hoban to authorize Resolution No 25 -2021 BOND RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PENN YAN, YATES COUNTY, NEW YORK (THE “VILLAGE”), AUTHORIZING THE VILLAGE TO UNDERTAKE CERTAIN IMPROVEMENTS TO THE VILLAGE’S WASTEWATER TREATMENT FACILITY; STATING THE MAXIMUM ESTIMATED COST THEREOF IS \$2,781,000; APPROPRIATING SAID AMOUNT THEREFOR; AND AUTHORIZING THE ISSUANCE OF UP TO \$2,781,000 IN SERIAL BONDS OF THE VILLAGE TO FINANCE SAID APPROPRIATION

WHEREAS, the Board of Trustees (the “Board of Trustees”) of the Village of Penn Yan, New York (the “Village” and “State” respectively) is planning to undertake certain improvements to the Village’s wastewater treatment facility (“WWTP”) as outlined in the “Disinfection Report for Penn Yan Wastewater Treatment Plant” dated May 2019 and prepared by Elliott Engineering Solutions, said report being on file for review at the Village Clerk’s office (the “Project”), all at a total estimated cost not to exceed \$2,781,000;

WHEREAS, the Project is being undertaken by the Village to improve the operation of the WWTP and ensure compliance with State Department of Environmental Conservation effluent discharge requirements pertaining to water quality in accordance with the Schedule of Compliance for SPDES Permit No. NY-0029726 issued to the Village by the State Department of Environmental Conservation and dated January 6, 2021 (the “Compliance Schedule”). The Compliance Schedule is on file with the Village Clerk for inspection;

WHEREAS, the Board acting as lead agency under the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation adopted thereunder (6 NYCRR 617) (collectively, “SEQRA”) by Resolution 16-2021 dated March 4, 2021, determined that the WWTP improvements to be made as part of the Project constitute a “Type II” action within the meaning of SEQRA, and that no further action under SEQRA are required to be undertaken with respect to the Project; and

WHEREAS, the Board of Trustees now wishes to appropriate funds for the Project and to authorize the issuance of the Village's serial bonds and bond anticipation notes to be issued to finance the aforementioned specific object or purpose.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of the Village of Penn Yan, Yates County, New York (by the favorable vote of not less than two-thirds of all the members of such body), as follows:

SECTION 1. The Village is hereby authorized to undertake the Project, as hereinabove described, at a total estimated cost not to exceed \$2,781,000, and to issue up to \$2,781,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of said specific object or purpose, or bond anticipation notes in anticipation of such bonds.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose is \$2,781,000, said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of up to \$2,781,000 in serial bonds of the Village authorized to be issued pursuant to Section 1 of this resolution, or bond anticipation notes issued in anticipation of such serial bonds, (ii) the application of any grant monies received by the Village from the United States of America or the State of New York with respect to the Project, and (iii) unless paid from other sources, the levy and collection of taxes on all taxable real property of the Village to pay the principal of such bonds or notes and the interest thereon as the same become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The final maturity of the bonds herein authorized to be issued pursuant to Section 1 of this resolution shall be in excess of five (5) years measured from the date of issuance of the first serial bond or bond anticipation note issued.

SECTION 5. The temporary use of available funds of the Village, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. The Village shall reimburse such expenditures with the proceeds of the bonds or bond anticipation notes authorized by this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures authorized herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulations Section 1.150-2.

SECTION 6. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the real property within the Village subject to applicable statutory limits, if any. The faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 7. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of serial bonds and bond anticipation notes or the renewals of said obligations and of Sections 21.00, 50.00, 54.90, 56.00 through 60.00, 62.10 and 63.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing serial bonds and bond anticipation notes and prescribing terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village (the "Village Treasurer"). Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of Local Finance Law. Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the Village Treasurer. Further, pursuant to subdivision b. of Section 11.00 of the Law, in the event that bonds to be issued for the object or purpose authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by other resolutions of this Board of Trustees, then the power of the Board of Trustees to determine the "weighted average period of probable usefulness" (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village.

SECTION 8. The Village Treasurer is hereby further authorized to execute, on behalf of the Village, a project financing and loan agreement, and any other agreements with the New York State

Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 9. The Village Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code") and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as "qualified tax-exempt bonds" in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 10. The Village Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchasers of the bonds or notes in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 11. The intent of this resolution is to give the Village Treasurer sufficient authority to execute those applications, agreements and instruments, or to do any similar acts necessary to affect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of the Board of Trustees.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

- (c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. The Village Clerk is hereby authorized and directed to cause a copy of this resolution, or a summary thereof, to be published, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the Village for such purpose.

SECTION 14. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

ROLL CALL VOTE

	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Condella	X		
Trustee Hoban	X		
Trustee Koek	X		
Trustee McLoud	X		
Trustee Spencer	X		
Trustee Stewart	X		Carried

MOTION by Trustee Spencer, second by Trustee Condella to authorize the Re-levy of lawn mowing and hedge trimming services in the amount of \$404.00 plus 20% (80.80) = \$484.80 to be forwarded to the County by May 3, 2021 for placement on Village taxes. (3 properties 103 Benham, 114 Benham and 400 Liberty Street).

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

MOTION by Trustee Spencer, seconded by Trustee McLoud to authorize Holly Easling to participate in online training through the Municipal Clerks Institute. The first training, "Knowing Your Networks: Building Relationships to Further Personal and Organizational Goals" is April 28, 2021 and the second training on May 12, 2021 is "Leadership Principles and Practice". The cost for each course is \$50.

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

PUBLIC SAFETY:

MOTION by Trustee Condella, second by Trustee Spencer to authorize the New Applications for Sidewalk Service Permits.

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

MOTION by Trustee Condella, second by Trustee Koek to authorize the Permit for Outdoor Seating for Penn Yan Diner, Keuka Restaurant, Tavern, Amity Coffee and Mustang Pub. Previously approved by the Historic.

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

MOTION by Trustee Condella, second by Trustee McLoud to accept the new Permit for Dispensing Alcoholic Beverages and Dining Services Upon Public Sidewalks.

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

POLICE DEPARTMENT:

Monthly activity report for March

MOTION by Trustee Condella, second by Trustee McLoud to declare misc. car consoles and old police partitions surplus and scrap them. The parts are from car models that are no longer made and cannot be reused.

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

MOTION by Trustee Condella, second by Trustee Spencer to declare five old light bars surplus and to sell them at fair market value.

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

Trustee Condella mentioned the police department enacted a Search Warrant Policy as per our police reform plan.

FIRE DEPARTMENT:

Chief's Report for March

Chie Ellis introduce the new Fire Chief Mike Pedersen. Board Welcomed Mike.

MOTION by Trustee Condella, second by Trustee McLoud to authorize the new slate of Officers of the Penn Yan Fire Department voted on at the Fire Department April 6th, 2021 meeting. Fire Chief's for 2021-2022.

New elected Officers for 2021-2022

- Chief Mike Pedersen
- 1st Assistant - Derek Christensen
- 2nd Assistant – Bill LaRock
- 3rd Assistant – Frank Ellis

Board of Director

- President – Rick Simpson, Sr.
- Vice President – Mike Carmel
- Treasurer – Steve Morse
- Secretary – Norm Koek

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

MOTION by Trustee Condella, second by Trustee McLoud to authorize Yates County Public Health to utilize the Fireman's Field for a drive thru Rabies Clinic on Saturday June 5, 2021 from 9:00 AM - 10:00 AM.

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

Trustee Koek question when will the Fireman's field be able to start booking events. Jeff Housel has been receiving calls. Mayor feels we still need to be cautious of COVID and having large gathering. Need to look at each month. Atty. Brockman feels we need to re-evaluate it looking at liability issues from invited guest compare to come and go events. No idea who will be coming and where they have been. Should go back to Public Safety to discuss.

CODE ENFORCEMENT:

Monthly activity report for February

PUBLIC WORKS:

MOTION by Trustee McLoud, second by Trustee Spencer to authorize the addition of 2 feet to be added to the width of sidewalk along 101 Lake Street. Sidewalk at present is 4 feet wide and Village would like Sidewalk to be 6 feet. Village will bear the cost of the additional footage.

Discussion: Melissa stated this complete section of sidewalk is in disrepair. A gateway to the Outlet Trail and downtown area. Sidewalk is 4 feet wide and we would like it to be 6 feet. Owners will be responsible for maintain it and shoveling in the future.

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

MOTION by Trustee McLoud, second by Trustee Spencer to authorize to eliminate sending a certified letter for sidewalk snow removal.

Discussion: Trustee McLoud mentioned with reviewing the procedure they felt sending certified letters just prolong them from shoveling. Kevin stated will be sending letter out in the fall to inform people of the new process we will be doing. Gary questioned sometime were going to approve the overall plan. Why are we approving one small piece of it? Melissa we already have a policy that we follow with our current code. The motion is just to eliminate sending a certified letter. Mayor it's not in the Code currently that we have to send a certified letter out correct. Correct. Atty. the letter is to advise them of their legal obligations. Once the Village cleans it up and sends bill to property owner and if not paid will be placed on taxes. Atty. felt an unnecessary expense

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

MOTION by Trustee McLoud, second by Trustee Condella to authorize a bench donated by Stork Insurance to be placed in the mini park. Steve Stork will work with Dan Doyle.

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

MOTION by Trustee McLoud, second by Trustee Condella to authorize the Mayor and Dan Doyle to sign the MOU (Memordum of Understanding) with the Cornell Design Connect Team and authorizing a \$500.00 donation

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

MOTION by Trustee McLoud, second by Trustee Koek to authorize Holly Easling to sign the Merchant Account Agreement with AMG Pay Group to set up credit card processing for the Boat Launch Pay station.

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

MOTION by Trustee McLoud, second by Trustee Condella to award Long's the Hauling Material bid for the 2021-2022 fiscal year for the amount of: 0-25 miles \$3.85/ton, 26-35 miles \$5.25/ton, 36-45 miles \$7.00/ton, 46-50 miles \$8.50/ton and 51 miles and over \$8.50/ton.

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

MOTION by Trustee McLoud, second by Trustee Hoban to award DC Masonry the Cemetery Foundation bid for the 2021-2022 fiscal year for the amount of \$0.51/square inch for new work and \$1.12/square inch for replacement work.

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

MOTION by Trustee McLoud, second by Trustee Stewart to award Superior Plus the Gas and Diesel bid for the 2021-2022 fiscal year for the amount of \$0.68/gallon of unleaded gasoline over EIA (Energy Information Administration) price and \$0.54/gallon for diesel over EIA price.

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

MOTION by Trustee McLoud, second by Trustee Hoban to award Dolomite the Bituminous (black top) bid for the 2021-2022 fiscal year for the amounts of Type 7 \$62/ton, Type 7F \$62/ton, Type 6F \$59/ton, 3 Binder \$56/ton, Fine Binder \$59/ton and 2 Base \$53/ton.

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

PLANNING & DEVELOPMENT:

Atty. Brockman mentioned short term rentals this is anything less than 30 days. Communities are adopting a registration format, to have an idea where these locations are. The current code requires a site plan approval if change in use and change for 1 or 2 residence to short term rentals. If people come in to rent for a week or weekend that’s change of use. This needs to be looked at by Planning Board and Historic. Still discussing this at committee.

Trustee Spencer mentioned the Art Committee has their first application in from the Penn Yan Library. They’re looking to have poetry written out on sidewalk with special chalk/paint. You will only be able to see the poetry when the walks are wet. The chalk/paint will disappear after a while. Have received the okay from the following 6 businesses in the downtown area (Hoban Sprits, Stork Insurance, Nest Egg, Living Well, Library and History Center) They are anticipating the 2nd application in soon. This is for a mural on the Once Again Shop building. Dan Banach asked about the mural at the mini-Park. Ray explained the wall needs a lot of repair before anything can be done. Ray mentioned also looking at mural on the NAPA wall down by the Outlet Trail. Ray stated this is just the beginning. Dan Banach mentioned in 2023 is Yates County bicentennial maybe they can consider with that.

Trustee Stewart mentioned the Committee has discussed the Marijuana legislation. Do we want to opt-out if so need to do so by December 31, 2021? If we opt-out we can always repeal it and opt in at a later date. If we don’t do so by 12/31/2021 we cannot opt-out. Something to think about. A lot to discuss - Need to think where we want to prohibit the sale. If we opt out don’t have to worry about Zoning but if not need to decide about the Zoning. If someone starts selling out of their home, we can’t stop them. After December 31, 2021 people can apply for licenses for retail sales. This will be discussed more at Public Safety. Trustee Spencer questioned how do we restrict where they consume this. How do we prevent someone from smoking on the Street and Parks? Chief Dunham mentioned will be like the smoking ordinances. Dan Banach stated need to look at the enforcement. This will be discussed more at Public Safety.

COMMENTS

Reminder Saturday May 8th is Village and Milo clean-up day from 8:00 AM - 2:00PM. The County is also having a recycle day on August 28 from 9:00 AM - Noon. Need to sign up by July 1st held at the County Barns in Benton.

Tom Schwartz explained the Public is welcome to stay and listen to the Effective Management System. The following left the meeting Fire Chief Ellis and Pedersen, Atty. Brockman, Mark Morris, Carlie Chilson, Dan Banach and George Thompson.

Tom Will ask the board to fill out a survey on the 10 Attributes and rank on how well were doing and where we need to improve. No right or wrong answers. We have reviewed this with all Departments and had them fill out the survey as well. Yvonne Tucker, did a brief presentation on the Effective Management System. Tom asked to have surveys turned in by May 3 so they can tally them up and present the findings at May’s Village Board meeting

EXECUTIVE SESSION:

At 8:12 PM, **MOTION** by Trustee Koek, seconded by Trustee McLoud to enter into Executive Session. Mayor asked Gary Meeks and Tom Schwartz to attend.

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

MOTION by Trustee Spencer, second by Trustee Koek to accept the resignation of David Cohick, Water Treatment Plant Chief Operator, effective April 29, 2021. We thank David for his contributions over the last seven years and wish him well in his future endeavors.

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

MOTION by Trustee McLoud, second by Trustee Hoban to authorize the provisional appointment of Matthew Fritz to the position of Water Treatment Plant Chief Operator, effective April 30, 2021, at a pay rate of \$30.55/hour (Group XI, Step 2).

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 authorize beginning recruitment for a Water Treatment Plant Operator.

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

At 8:31 PM Gary Meeks and Tom Schwartz left the Executive Session.

ADJOURNMENT OF EXECUTIVE SESSION:

At 8:52 PM, **MOTION** by Trustee Spencer, 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

ADJOURNMENT:

At 8:53 PM, **MOTION** by Trustee Spencer, seconded by Trustee Hoban 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: