

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, January 21, 2020 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; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis

ABSENT: Deputy Dir. Of Public Works T. Schwartz

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: Kevin Mattison, Carlie Chilson

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize to have an Executive Session for Collective Bargaining.

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

MINUTES:

MOTION by Trustee McLoud, seconded by Trustee Stewart to approve the Village Board Minutes from December 17, 2019 and Special Board meetings December 10th and 20th, 2019.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

MAYOR:

MOTION by Trustee Benedict, second by Trustee Spencer to authorize Resolution No 1-2020 Mileage Allowance beginning January 1, 2020 mileage will be \$.575. A slight decrease from \$.58 in 2019.

“**WHEREAS** the Board of Trustees has determined to pay a fixed rate for mileage as reimbursement to Village officers and employees who use their personal automobiles while performing their official Village duties;

NOW THEREFORE BE IT RESOLVED:

1. The Board of Trustees of the Village of Penn Yan will authorize reimbursement to such officers and employees at the rate of per mile as set forth in the IRS standard mileage table.
2. That this resolution is effective immediately.”

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

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 4-2020 Proposed Local Law to Establish New York State Tax Cap Waiver for 2020-2021 Village Budget and set a Public Hearing for February 18, 2020 at 6:00PM.

WHEREAS, New York State has mandated a **1.78 percent tax cap; and**

WHEREAS, the Village of Penn Yan does not anticipate exceeding the **1.78 percent tax cap; and**

WHEREAS, the New York State Tax Cap Law is complex to follow and includes significant penalties if all rules are not followed; and

WHEREAS, a waiver of the tax cap appears appropriate for the Village of Penn Yan under the circumstances; 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 hereby determines that it is in the best interests of the residents and property owners of the Village of Penn Yan to waive the tax cap to ensure that the Village is not in violation of the tax cap law embodied in §3-c of the General Municipal Law.
2. 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, therefore declares this to be a “Type II” action and accordingly no environmental review will be undertaken.
3. That a public hearing on the proposed Local Law is hereby scheduled for February 18, 2020 at 6:00 p.m. at the Village Hall and that notice thereof be made by legal counsel.

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

MOTION by Trustee Spencer, seconded by Trustee Benedict to authorize the Mayor signs the Memorandum of Understanding between the Cupola restoration Project and the Village of Penn Yan.

Discussion: Question was asked if there is a deadline in place. After a brief discussion it was decided to place in the MOUA a comment regarding the agreement will expire on December 31, 2021.

Amended **MOTION** by Trustee Benedict, seconded by Trustee Spencer to authorize the Mayor signs the Memorandum of Understanding between the Cupola restoration Project and the Village of Penn Yan., and added #5 This agreement will expire on December 31, 2021.

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

MOTION by Trustee Condella, seconded by Trustee Benedict to accept the resignation of Brent Bodine effective February 7, 2020. 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

Discussion: Mayor Thanked Brent for his years of service and wished him well.

ATTORNEY:

MOTION by Trustee Spencer, seconded by Trustee Condella to authorize Resolution No 2-2020 Adoption of Local Law Amending the definition of “Kennel” in the “Zoning” Chapter of the Village Code.

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, a GML §239-m referral to the County Planning Board did not result in a disapproval thereof by the County Planning Board.

NOW THEREFORE, BE IT RESOLVED, THAT

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

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize Resolution No 3-2020 Proposed Local Law to Amend the Code Enforcement Officer Article of Chapter 19 of the Village Code of the Village of Penn Yan. Set a Public Hearing for February 18, 2020 at 6:05PM.

WHEREAS, the Board of Trustees of the Village of Penn Yan deems it appropriate to amend the Village Code provisions related to the Code Enforcement Officer; and

WHEREAS, the Board of Trustees intends to act as Lead Agency for the purposes of the review of this proposed Local Law under the provisions of SEQRA; and

WHEREAS, the action does not appear to cause any environmental impact and therefore such adoption may be deemed to be a Type II Action pursuant to SEQRA; and

WHEREAS, a proposed Local Law has been prepared and circulated to the Board of Trustees.

Now Therefore, be it

RESOLVED, that the Board of Trustees of the Village of Penn Yan hereby establishes itself as Lead Agency pursuant to 6NYCRR § 617 for the purposes of the environmental review of this action; and it is further

RESOLVED, that the Board of Trustees of the Village of Penn Yan determines that this action will have no environmental impact, therefore determines it to be a “Type II” action under SEQRA and accordingly no environmental review will be undertaken; and it is further

RESOLVED, that a public hearing on the proposed Local Law is hereby scheduled for February 18, 2020 at 6:05 p.m. at the Penn Yan Village Hall and that notice thereof be made.

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

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee McLoud, seconded by Trustee Benedict to authorize sewer forgiveness in the amount of \$71.33 at 110 Water Street Apt D.

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

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Clif Chase to attend NYWEA (New York Water Environment Association) “Anaerobic Digestion and Biogas Safety Training” on January 28th in Williamsville, NY. Training cost of \$60.00 and \$104.00 for Hotel room.

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

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Rainer Hamm to attend a week long training first week of February, 2020 in “Basic Welding Course by Haun Welding Supply” in Syracuse, NY. Course fee \$550.00 Hotel cost TBD. Will use Village vehicle.

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$4,595.68.

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 Spencer to pay current Village and Municipal bills as submitted.

AUDIT:

	Amount:
Paid Before Audit:	
General	35,758.15
Electric	219,814.73
Sewer	8,438.65
Water	8,799.41
Capital Projects	
Total Paid Before Audit	\$ 272,810.94
Current Audit:	
General	\$ 104,071.34
Community Development - CRC	-
Electric	181,145.25
Sewer	103,254.17
Water	114,319.37
Capital Projects	-
Total Current Audit Items	\$ 587,104.49
TOTAL AUDIT	\$ 859,915.43

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 Resolution No 5-2020 Budget Amendment for 2019-2020 Fiscal Year for \$242,016.00. (for purchase of 32 air packs (buddy breathing capability) for Fire Department under the Assistant to Firefighters Grant Program.)

Increase Revenue
Budget

A -4389-00	Federal Aid-Other Public Safety	210,285.71
A -0511	Fire Equipment Reserve	31,730.29
		242,016.00

Increase Expense
Budget

A -3410-4-530	Fire Equipment	242,016.00
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Budget amendment to appropriate funds for the purchase of air packs for the Fire Department under the Assistance to Firefighters Grant Program. Federal grant revenue awarded is being supplemented by funds from the Fire Department equipment reserve to cover the total cost of 32 units with "buddy breathing" capability.

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 Resolution No 6-2020 Budget Amendment for 2019-2020 Fiscal Year for \$5, 935.62. (Increase revenue and expense for insurance monies received to pay for repairs to a police vehicle that was involved in an accident with a deer.)

Increase Revenue Budget

A -2680-00	Insurance Recoveries	5,935.62
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Increase Expense Budget

A--3120-4-411 Vehicle Repairs 5,935.62

Budget amendment to increase revenue and expense for insurance monies received to pay for repairs to a police vehicle that was involved in an accident with a deer.

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

MOTION by Trustee Benedict, seconded McCloud to authorize Resolution No 7-2020 Budget Transfer for 2019-2020 Fiscal Year for \$4,000.00, (increase funds budgeted for Streets Administration, due to higher than budgeted allocation of costs from DPW Office, with excess NYS retirement funds being used as the offset.)

TO:			Fund
Account Id	Description	Date	Totals
A -5010-1-100	Street Administration-Personal Services	<u>4,000</u>	
		<u>4,000</u>	
		General	4,000
		Electric	-
		Sewer	-
		Water	-
		-	<u>4,000</u>
FROM:			
Account Id	Description	Date	
A -9010-8-800	Employee Benefits-State Retirement	<u>4,000</u>	
		<u>4,000</u>	
		General	4,000
		Electric	-
		Sewer	-
		Water	-
			<u>4,000</u>

To increase funds budgeted for Streets Administration, due to a higher than budgeted allocation of costs from the DPW office, with excess NYS retirement funds being used as the offset.

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

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Resolution No 8-2020 Budget Transfer for 2019-2020 Fiscal Year for \$259.00. (cover small overruns in the Fire Department cost center with excess funds which were budgeted for volunteer firefighter cancer coverage.)

TO:			Fund
Account Id	Description	Date	Totals
A -3410-4-410	Fire-Contractual Services	46	
A -3410-4-415	Fire-Health Services	184	
A -3410-4-590	Fire-Haz-Mat	<u>29</u>	
		<u>259</u>	
		General	259
		Electric	-

	Sewer	-
	Water	-
	-	<u>259</u>
FROM:		
Account Id	Description	Date
A -9025-8-801	Enhanced Health Benefits Volunteer Fire	<u>259</u>
		<u>259</u>
	General	259
	Electric	-
	Sewer	-
	Water	-
		<u>259</u>

To cover small overruns in the Fire Department cost center with excess funds which were budgeted for volunteer firefighter cancer coverage.

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 9-2020 Budget Transfer for 2019-2020 Fiscal Year for \$650.00. (higher than budgeted costs in Code Enforcement cost center for computer services (online code book) and supplies with excess NYS retirement funds being used as the offset.)

<u>TO:</u>		
Account Id	Description	Date
A -3620-4-450	Safety Inspections-Computer Services	300
A -3620-4-500	Safety Inspections-Supplies & Materials	<u>350</u>
		<u>650</u>
	General	650
	Electric	-
	Sewer	-
	Water	-
	-	<u>650</u>
FROM:		
Account Id	Description	Date
A -9010-8-800	Employee Benefits-State Retirement	<u>650</u>
		<u>650</u>
	General	650
	Electric	-
	Sewer	-
	Water	-
		<u>650</u>

To cover higher than budgeted costs in the Code Enforcement cost center for computer services (online code book) and supplies, with excess NYS retirement funds being used as the offset.

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 10-2020 Budget Transfer for 2019-2020 Fiscal Year for \$1,363.00. (cover higher than budgeted costs in the Cemetery cost center with excess NYS retirement funds being used as the offset.)

TO:			Fund
Account Id	Description	Date	Totals
A -8810-4-410	Cemetery-Contractual Services	478	
A -8810-4-413	Cemetery-Vehicle & Equipment Repairs	500	
A -8810-4-500	Cemetery-Supplies & Materials	200	
A -8810-4-510	Cemetery-Computer Supplies	<u>185</u>	
		<u>1,363</u>	
			General 1,363
			Electric -
			Sewer -
			Water -
			- 1,363
			<hr/>
FROM:			
Account Id	Description	Date	
A -9010-8-800	Employee Benefits-State Retirement	<u>1,363</u>	
		<u>1,363</u>	
			General 1,363
			Electric -
			Sewer -
			Water -
			1,363
			<hr/>

To cover higher than budgeted costs in the Cemetery cost center with excess NYS retirement funds being used as the offset.

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 (3) three part time Village Justice Clerks, effective 1/1/2020. \$17.00 per hour; each working less than 29 hours per week.

Laurie Jensen, Amber Degner, Rachel Coon

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 Permanent Appointment of Sergeant Derek Chisom, effective 1/1/2020. No change in salary.

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

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize to increase Tom Dublin, Cemetery P/T Laborer pay rate to \$12.50 hr. retro effective 12/31/2019.

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 appoint Chey Bradley Senior Typist for the Department of Public Works office. Group 3 – START \$20.43hr. Starting January 23, 2020 One-year probation period.

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

POLICE DEPARTMENT:

Monthly activity report for December

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize Jeff Stewart to stay one additional night in the hotel for his training on January 8 and 9, 2020 at a total cost of \$243.66.

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

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize to send Inv. Wayne Marsh and Officer Katie Zebrowski to Sexual Offense Trauma-Informed Victim Response Training in Steuben County on March 12th. The training is free and is now Statutorily Required Training by NYS.

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 declare the 2014 Ford Interceptor sedan as surplus and sell at fair market value.

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

FIRE DEPARTMENT:

Chief's Report for December

MOTION by Trustee Condella, seconded by Trustee Benedict to declare 1986 Pierce engine pumper E-1 as surplus and sell at fair market value. Proceeds from the sale will go into the Fire Department equipment reserve.

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

CODE ENFORCEMENT:

Monthly activity report for December

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Benedict to waive the fee of \$50.00 for extension of a Temporary Certificate of Occupancy for 132 Water St which has expired due to Village delay in completing driveway work from TAP Grant project.

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

PLANNING & DEVELOPMENT:

Trustee Stewart reminded the Board Februarys' meeting is on Monday the 10th at 10:00 AM.

COMMENTS

Trustee Hoban mentioned the Wing Walk will be held on February 8th sponsored by the retail council has gone over very well. Started out with 250 tickets – they sold out quickly added 50 more. We now have a waiting list for the waiting list. Shortly after will have a wing trophy for the best wings in PY. We are very excited for this event.

EXECUTIVE SESSION:

At 6:27 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to enter into Executive Session.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 6:54 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

ADJOURNMENT:

At 6:55 PM, **MOTION** by Trustee Spencer, seconded by Trustee McLoud to adjourn the regular Village Board meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: