

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, February 18, 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 Dir. Of Public Works T. Schwartz; Police Chief T. Dunham; Fire Chief F. Ellis

**ABSENT**: Deputy Clerk/Treasurer H. Easling; CEO B. Lyon

News Media present: Gwen Chamberlain, Chronicle Express

**PUBLIC**: Kevin Mattison, George Burnett, Carlie Chilson, Bill Wigsten

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

**6:00PM PUBLIC HEARING** – NYS Tax Cap Waiver for 2020-2021. Local Law B 2020

At 6:01PM **MOTION** by Trustee McLoud, seconded by Trustee Condella to open the Public Hearing.

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

Mayor asked if there were any questions or comments regarding the Tax Cap Waiver.

Discussion: Carlie Chilson asked what is this for. Mayor explained we do this every year prior to budget time. We waive the Tax Cap, and if we don't make the Tax Cap we have this in place. If we do make the Tax Cap, we will rescind it.

At 6:02 PM **MOTION** by Trustee Condella, seconded by Trustee Spencer to close the Public Hearing.

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

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 20-2020 Adoption of Local Law New York State Tax Cap Waiver

**WHEREAS**, the Board of Trustees previously dealt with SEQRA issues related to this proposed Local Law, by declaring itself Lead Agency and designating the Local Law as a Type II action; and

**WHEREAS**, a public hearing was held before the Board of Trustees on said proposed Local Law on February 18, 2020; and

**WHEREAS**, the Board of Trustees previously received a copy of the proposed Local Law more than seven (7) days prior to the date of adoption hereof more than.

**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 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 the Local Law, including the entry thereof in the minutes of the Meeting of the Board of Trustees.

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

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to authorize to have an Executive Session regarding work history of an employee at the end of the meeting.

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

**MINUTES:**

**MOTION** by Trustee McLoud, seconded by Trustee Hoban to approve the Village Board Minutes from January 21, 2020.

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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Willow Running (who is working with the Friends of the Outlet) is requesting to hold a 5K Run-Walk on Sunday September 27, 2020. Looking to start at Boat launch/ Water Street area (by the old steamboat landing) the event will use the Outlet Trail. Event to begin at 8:30AM and wrap up around Noon.

**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 the 2<sup>nd</sup> Annual Race & Walk for Soldiers and Sailors Memorial Hospital for Saturday April 4, 2020. Race to begin at 9:00 AM – 10:30 AM from Medical Arts parking lot. Course is same as last year up North Ave. to Flat St with the turnaround just past Culhane Road and back to the Medical Arts building. Asking for assistance at Main and North Ave.

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

**MOTION** by Trustee McLoud, seconded by Trustee Hoban to authorize the 7<sup>th</sup> annual Peasantman event asking for the use of Indian Pines Park for Thursday August 13 – Monday 17<sup>th</sup>, 2020. Race is on Sunday the 16<sup>th</sup>. Would like to place a Pop –Up Camper along with smaller tents and a gazebo to be stationed next to the transition for this time period.

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

**6:05PM PUBLIC HEARING -** Amending Code Enforcement Officer Chapter Local Law A 2020

At 6:05 PM **MOTION** by Trustee Benedict, seconded by Trustee Teresa to open the Public Hearing for Amending Code Enforcement Officer Chapter.

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

Mayor asked if there were any comments or concerns regarding the Code Enforcement Officer Chapter. Carlie Chilson questioned about the changes. Mayor mentioned to have it as a standard position and coordinate it better with Public Works Department.

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

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

**MOTION** by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 13-2020 Proposed Local Law to Amend the Code Enforcement Officer Article of Chapter 19 of the Village Code of the Village of Penn Yan.

**WHEREAS**, a draft of the proposed Local Law was previously distributed to the Board of Trustees of the Village of Penn Yan in excess of ten (10) days prior to the date of adoption hereof; 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

**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

**GUESTS, PUBLIC REQUEST & COMMENTS:**

**MOTION** by Trustee Stewart, seconded by Trustee McLoud to authorize to waive the 30-day Liquor License for the Hampton Inn.

Discussion: Mayor explained anybody who gets a liquor license or applying for one will generate the 30-day liquor license. Atty. stated the Hampton Inn is having a new area within the confines of the hotel where they will be serving alcohol. They needed to submit and ask for a waiver from the Village.

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

**MAYOR:**

Mayor would like to recognize Timmy G's who won the title and trophy for 1<sup>st</sup> Annual Best Wings in Penn Yan for 2020. Trustee Hoban stated the Retail Council and Chamber held this event. We sold 300 tickets and out of that only 4 did not show. We have 259 who voted and Mustang Pub came in second. We are looking forward to next year. Trustee Hoban wanted to thank the DPW crew for there hard work getting the snow cleared out.

**MOTION** by Trustee Condella, seconded by Trustee Spencer to authorize Resolution No 18-2020 Approval of Master Contract With the State of New York With Respect to the Downtown Revitalization Initiative

**WHEREAS**, the Village of Penn Yan has been awarded a Downtown Revitalization Initiative (DRI) Grant from the State of New York; and

**WHEREAS**, specific public and private community improvement projects have been identified and approved as a part of the DRI; and

**WHEREAS**, the Village of Penn Yan is required to perform administrative functions in the implementation of the DRI; and

**WHEREAS**, a proposed Master Contract has been received from the State of New York requiring execution by the Village for further effectuation of the DRI; and

**WHEREAS**, the Board of Trustees wishes to address SEQRA issues related to the execution of such contract.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees of the Village of Penn Yan designates itself as “Lead Agency” for SEQRA purposes with respect to such funding application.

2. The Board of Trustees determines that each individual project funded by the DRI will be subject to SEQR review and the execution of the Master Contract will have no significant detrimental environmental impacts, therefore this is a “Type II” action and accordingly no environmental review is necessitated.

3. The Board of Trustees, having each reviewed the proposed Master Contract, approves said Master Contract and further authorize and directs the Mayor to execute said contract on behalf of the Village of Penn Yan, as well as any documents that are ancillary thereto.

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

**ATTORNEY:**

Atty. Brockman stated the Village has taken ownership of 25 Champlin Ave... After the 2014 flood the property was abandoned, the Bank took ownership and the Bank agreed to transfer to the Village. The goal is to auction it off to place it back on the tax roll and the stipulation is the new owner must rehabilitate it within a certain amount of time. Trustee Spencer understood the Village had been approached by an organization (Sampson Theater) to consider donating it. Was wondering has the Board considered donating it? Mayor has known of some talk but has not been approached. Atty. mentioned anyone can bid and there is no minimum bid requirements, only requirement is property needs to be rehabilitated in a certain amount of time. Bill Wigsten asked if Habitat for Humanity had been approached. Mayor stated yea and they were not interested.

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 11-2020 (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 known as 25 Champlin Ave., in the Village of Penn Yan conveyed to the Village of Penn Yan by Deed recorded in the Yates County Clerk’s Office on September 24, 2019 in Liber 759 of Deeds at page 1; and

**WHEREAS**, such real property is not presently dedicated to any use by the Village of Penn Yan, and Leigh MacKerchar, the Mayor, has certified that such property will not be required for any other governmental purpose by the Village of Penn Yan; and

**WHEREAS**, the subject property was donated to the Village by the lending institution which foreclosed on the mortgage covering the property, after the house thereon was severely damaged in the flood of 2014 and abandoned by the owner.

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

**WHEREAS**, the sale of said property may result in the property being restored as a residence and returned to the tax rolls; 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 sold at auction at the direction of the Board of Trustees of the Village of Penn Yan:

Premises known as 25 Champlin Avenue, Penn Yan, NY 14527 consisting of a Village lot upon which is located a wood farm dwelling in need of major rehabilitation.

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 in full the SEAF for 25 Champlin Ave. Penn Yan, NY

**MOTION** by Trustee McLoud, seconded by Trustee Condella to adopt the SEAF (Short Environmental Assessment Form) and authorize the Mayor to sign the form.

**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 12-2020 (B) Directing Sale of Surplus Property Known as 25 Champlin Ave, Penn Yan, NY.

**WHEREAS**, certain premises owned by the Village located at 25 Champlin Avenue was previously certified to be surplus property by Mayor Leigh MacKerchar and such premises were subsequently declared to be surplus by Resolution 11- 2020 duly adopted by the Board of Trustees of the Village of Penn Yan on February 18, 2020; and

**WHEREAS**, the subject premises which were deeded to the Village at no cost to the Village, is in an uninhabitable condition requiring major rehabilitation, including repair and replacement of a portion of the foundation; and

**WHEREAS**, CEO Lyon has made a Certification regarding the cost of renovation or demolition of the house on the property as compared to the assessed value; and

**WHEREAS**, due to the condition of the house on the property and the estimated cost of renovation or demolition, there is no minimum sales price.

**NOW THEREFORE BE IT RESOLVED THAT**

The Mayor shall offer said parcel for sale at auction by sealed bid upon at least ten (10) days’ notice, published and posted, with no minimum sales price, 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.

Local Law C 2020 Amending Chapters 42 and 174 of the Code (Alcoholic Beverages and Streets and Sidewalks)

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 14-2020 Amending the “Alcoholic Beverages” Chapter and “Streets and Sidewalk” and set a Public Hearing for March 17<sup>th</sup>, 2020 at 6:00PM.

**WHEREAS**, it has been recommended by the Village Public Safety Committee that certain amendments be made to the subject Chapters of the Village Code with respect to sidewalk service of food and beverages; 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” action 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 March 17, 2020 at 6:00 p.m. and legal counsel is directed to provide notice thereof by posting and publication.

Discussion: Trustee Spencer questioned the dates would be the same this year – would not start until next year correct? Atty. yes will give the Clerk time and business time to furnish paperwork.

**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 Resolution No 19-2020 Accepting Dedication From Keuka Gardens Associates LLC and Keuka Gardens Housing Development Fund Corporation (KHDFC) of Electric and Sewer Infrastructure Together with Acceptance of Utility Access Easement Agreements

**WHEREAS**, Keuka Gardens Housing Associates LLC and Keuka Gardens Housing Development Fund Corporation (KGHDFC) has constructed a rental housing complex in the Village of Penn Yan which will be utilizing Village utilities; and

**WHEREAS**, the Village previously received an offer of dedication of certain electric and sewer infrastructure which has been installed by the developers, along with a request for the Village to accept utility access easement agreements with respect to the utility infrastructure proposed to be dedicated; and

**WHEREAS**, a Full Environmental Assessment Form (FEAF) was prepared and adopted by the Village Planning Board with respect to its approval of the Site Plan for the subject development, which process addressed the dedication of utility infrastructure dedication and access easement agreements, therefore no further environmental review is required.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Board of Trustees of the Village of Penn Yan accepts the Offer of Dedication from KGHDFC with respect to electric and sewer utility infrastructure as well as acceptance of the utility access easement agreements, subject to the approval of the Village Attorney, the Village DPW Director and the Village Mayor as to form and content of the requisite documents related thereto and further subject to appropriate certification that the utility infrastructure being accepted for dedication has been installed and constructed in accordance with applicable standards and criteria.
2. The Village Mayor and Village Treasurer are authorized and directed to perform such acts and expend such funds as are reasonably necessary to effectuate the dedication and acceptance of the utility access easement agreements, providing that all filing and recording fees imposed by the Yates County Clerk with respect thereto are to be paid by KGHDFC.

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

**MOTION** by Trustee Hoban, seconded by Trustee McLoud to authorize Resolution No 22-2020 (A) Approval of Beach Bank Stabilization Project at Red Jacket Park.

**WHEREAS**, the Village of Penn Yan is undertaking a project at Red Jacket Park intended to prevent or minimize erosion of the banks adjacent to the beach, as further set out in the description of the proposed action in Part 1 of the Short Environmental Assessment Form (SEAF) included herewith; and

**WHEREAS**, the Board of Trustees intends to address SEQR 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 the environmental review of this proposed action, determines that it is an “Unlisted Action” and therefore a “Short Environmental Assessment Form” (SEAF) will be reviewed and completed.

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

Atty. Brockman reviewed in full the SEAF – Project to Stabilize Beach Banks at Red Jacket Park.

**MOTION** by Trustee Spencer, seconded by Trustee Condella to authorize Resolution No 23-2020 (B) Adopting Short Environmental Assessment For and Approving Project To Stabilize Beach Banks at Red Jacket Park and authorize the Mayor to sign the SEAF.

**WHEREAS**, the Board of Trustees of the Village of Penn Yan has reviewed and completed an SEAF related to this proposed action.

**NOW THEREFORE BE IT RESOLVED, THAT**

1. The Short Environmental Assessment Form (SEAF) is adopted as competed and the Mayor is authorized to execute said SEAF.
2. The Board of Trustees approves the beach bank stabilization project as set out in Part 1 of the SEAF. The Mayor and Clerk/Treasurer are authorized and directed to take such actions as are necessary to effectuate that project, including execution of requisite documents and expenditures of necessary funds.

**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 Hoban to award Stuart Irby on behalf of Power Partners the Single Phase Padmounted Transformer bid for \$16,229.33. (for 8 units)

**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 award Delta Wye Associates the Three Phase Padmounted Transformer bid for \$29,425.00. (for 2 units)

**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 approve Resolution No 21-2020 the Niagara Hydropower Contract Extension as presented (no reduction).

BE IT RESOLVED, that  Village Board (Member) hereby approves the execution of the AGREEMENT FOR THE SALE OF NIAGARA PROJECT WHOLESALE POWER AND ENERGY.

This Resolution will take effect immediately.

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

**MOTION** by Trustee McLoud, seconded by Trustee to approve the change order for the Franklin Street Water Main Project to increase the contract award amount by \$12,619.95; which was awarded to TLM Excavating for the original amount of \$228,870.18. This increase would change the contracted amount to \$241,490.13.

**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 Dave Cohick and Bill Wigsten to attend NYRWA “Chemical Feed Pumps and Analyzers” on March 24<sup>h</sup> at Livingston County Highway. Fee: NO COST. (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 authorize Bill Wigsten to attend NYRWA “Hydrants, Valves and Meters” on April 8<sup>th</sup> in Waterloo, NY. Fee: \$30.00. (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 Condella to authorize Rainer Hamm to attend a week long training (March 9-12th) for “Intermediate Welding Course by Haun Welding Supply” in Syracuse, NY. Course fee: \$675.00 Hotel cost: TBD, Use of 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 authorize Clif Chase to attend NYRWA “Sludge Handling” on March 11<sup>th</sup> in Waterloo, NY. Fee: \$30.00. (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 Hoban to authorize Rainer Hamm to participate in “NYRWA’s Apprenticeship Program”. The program is a 24-month course that provides a curriculum balanced between on the job training, online course work and traditional classroom instruction. Course fee: None.

**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 \$6,659.52

**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:**

Electric	309,548.06
Sewer	7,348.31
Water	7,633.44
Capital Projects	
<b>Total Paid Before Audit</b>	<b>\$ 351,391.74</b>
<b>Current Audit:</b>	
General	\$ 86,693.16
Community Development - CRC	-
Electric	240,338.16
Sewer	37,311.07
Water	4,146.92
Capital Projects	-
<b>Total Current Audit Items</b>	<b>\$ 499,997.71</b>
<b>TOTAL AUDIT</b>	<b>\$ 851,389.45</b>

**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 Parker’s Grille CDBG project grants- Warrant for \$16,097.97.

**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 15 -2020 Budget Transfer for 2019-2020 Fiscal Year for \$1,500.00. (Transfer in the Sanitary Sewer cost center to cover higher than budgeted costs for vehicle maintenance).

<u>TO:</u>			<b>Fund</b>
<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Totals</b>
ES-8120-4-417	Sanitary Sewer-Maintenance on Vehicles	<u>1,500</u>	
		<u>1,500</u>	
		<b>General</b>	-
		<b>Electric</b>	-
		<b>Sewer</b>	<b>1,500</b>
		<b>Water</b>	-
		-	<u><b>1,500</b></u>
<b>FROM:</b>			
<b>Account Id</b>	<b>Description</b>	<b>Date</b>	
ES-8120-4-414	Sanitary Sewer-Maintenance on Mains	<u>1,500</u>	
		<u>1,500</u>	
		<b>General</b>	-
		<b>Electric</b>	-
		<b>Sewer</b>	<b>1,500</b>
		<b>Water</b>	-
			<u><b>1,500</b></u>

Budget transfer in the Sanitary Sewer cost center to cover higher than budgeted costs for vehicle maintenance with projected lower than budgeted costs for maintenance on mains.

**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 16 -2020 Budget Transfer for 2019-2020 Fiscal Year for \$30,000. (Transfer within Wastewater Treatment Plant cost center



to cover higher cost for chemicals used in sludge press operations reductions to plant maintenance, supplies)

<b>TO:</b>			<b>Fund</b>
<b>Account Id</b>	<b>Description</b>	<b>Date</b>	<b>Totals</b>
ES-8130-4-520	Sewage Treatment-Flocculant (Alum)	<u>30,000</u>	
		<u>30,000</u>	
		<b>General</b>	-
		<b>Electric</b>	-
		<b>Sewer</b>	<b>30,000</b>
		<b>Water</b>	-
		-	<u><b>30,000</b></u>
<b>FROM:</b>			
<b>Account Id</b>	<b>Description</b>	<b>Date</b>	
ES-8130-4-418	Sewage Treatment-Maint on Plant	15,000	
ES-8130-4-500	Sewage Treatment-Supplies & Materials	8,000	
ES-8130-4-505	Sewage Treatment-Process Machinery	<u>7,000</u>	
		<u>30,000</u>	
		<b>General</b>	-
		<b>Electric</b>	-
		<b>Sewer</b>	<b>30,000</b>
		<b>Water</b>	-
			<u><b>30,000</b></u>

Budget transfer within the Wastewater Treatment Plant cost center to cover higher than budgeted costs for chemicals used in the sludge press operations, with reductions made to plant maintenance, supplies, and process machinery.

**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 provisionally appoint Thomas Schwartz to the position of Director of Public Works, effective February 19, 2020, with no change in salary. This appointment is conditional based on the approval of the Yates County Personnel Officer.

**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 the recruitment and hiring of a Deputy Director of Public Works.

**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 promote George Burnett from MEO(L) to HEO, effective February 19, 2020. New hourly rate is \$22.24 per hour, group 5/Start. There will be a 52-week probationary period.

**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 Kevin Mattison from MEO(L) to HEO, effective February 19, 2020. New hourly rate is \$22.24 per hour, group 5/Start. There will be a 52-week probationary period.

**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 make a permanent appointment of Tim Marcellus to the position of DPW Street Department Supervisor, retroactive to September 19, 2019, with no change in hourly rate.

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

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for January

FYI - Officer Jeff Stewart was selected by his fellow officers as the 2019 Penn Yan Police Departments Officer of the Year. Board congratulated Office Stewart for his hard work.

**MOTION** by Trustee Condella, seconded by Trustee McLoud to authorize Derek Chisom, Ken Eldridge and Katie Zebrowski to drug interdiction/complete traffic stop training at Durand Eastman Park in Rochester on March 2<sup>nd</sup>. The training is free they would be taking a Village vehicle.

**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 Resolution No 17-2020 Requesting Amendments to NYS Criminal Justice Reforms.

**WHEREAS** in the final stages of adopting its FY 2020 budget, the State of New York enacted sweeping criminal justice reforms including the elimination of cash bail for many crimes and the imposition of stringent discovery mandates on police and prosecutors; and

**WHEREAS** under bail reform, beginning January 1, 2020, judges will be stripped of their discretion to set bail for many crimes, which means those suspected of committing these crimes can no longer be held in jail after their arrest, regardless of the strength of the case against these defendants, or the length of the potential sentence faced by these defendants, or the extent of the harm allegedly caused by these defendants, and instead these defendants will be released back into the general public; and

**WHEREAS** protecting the people from harm by enforcing the rule of law is the foundational role of government, it is widely recognized that several of the drastic changes in the laws pertaining to discovery and bail are having unintended consequences at the municipal level; and

**WHEREAS** the dramatically shortened time period in which law enforcement and prosecutors must turn over evidence to defendants and the broad expansion of the matters to which such discovery mandates apply will have significant cost, tax and justice implications for cities and villages with police departments and local justices; and

**WHEREAS** the discovery reforms mandate prosecutors to disclose evidence to the defense within 15 days of arraignment for criminal charges (even if the defendant is not in custody); and

**WHEREAS** drastically enlarging the scope of material that a prosecutor must review and deliver within 15 days will overwhelm the ability of city and village officials and employees to prosecute cases while managing their misdemeanor and felony caseloads, and will make it impossible to prosecute vehicle and traffic and local code enforcement infractions and violations in compliance with the new discovery mandates; and

**WHEREAS** arraignments must now take place within 20 days of desk appearance ticket issuance, thereby requiring justice courts, many of which convene monthly, to meet more frequently; and

**WHEREAS** cities and villages will not reap savings from the bail reform's reduction of the burden on county jails; and

**WHEREAS** municipalities are already challenged with operating within the now permanent 2% tax cap and have not received an increase in general purpose state aid in 11 years.

**NOW THEREFORE BE IT RESOLVED** that the Village of Penn Yan supports the following set of amendments:

- Ensure that cities and villages are provided with additional financial and operational support to offset the cost of these mandated measures;
- Allow 60 days for prosecutors to disclose evidence to the defense for criminal charges
- Excluded from the accelerated discovery requirements and charge not involving a misdemeanor or felony;
- Adjust the 20-day arraignment requirement to accommodate local courts that meet on a monthly basis,
- Allow prosecutors to withhold sensitive information, such as victim contact information, without having to obtain a court order;

- Give judges the discretion to impose bail on felony level charges and charges involving stalking, assault, criminal contempt of non-household members, resisting arrest and endangering the welfare of a child.

**AND BE IT FURTHER RESOLVED** that this duly adopted resolution of the Village of Penn Yan be forwarded to Governor Andrew Cuomo, Senate Majority Leader Andrea Stewart-Cousins, Senator Kirsten Gillibrand, Congressman Thomas Reed, Assembly Speaker Carl Heastie, Assembly Member Philip Palmesano, Senator Thomas O'Mara, Assembly Minority Leader Will Barclay, NYCOM and local media outlets.

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

**FIRE DEPARTMENT:**

Chief's Report for January

**MOTION** by Trustee Condella, seconded by Trustee Spencer to elect Alex Gurba to the Sheldon Hose Company effective 1/30/2020.

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

FYI - Update Firemen's Field listing for 2020

**CODE ENFORCEMENT:**

Monthly activity report for January

**MOTION** by Trustee Condella, seconded by Trustee McLoud to authorize Bruce Lyon to attend the Finger Lakes Building Officials Educational Conference March 9-11, 2020 at RIT INN & Conference Center, Rochester, NY. Conference cost \$390.00 plus mileage.

**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 Bruce Lyon to attend (NYSBOC) New York State Building Officials Conference on March 6, 2020 at Turning Stone Resort, Verona, NY. No cost for conference, only mileage.

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

Year-end report from January 1, 2019-December 31, 2019

**PUBLIC WORKS:**

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to authorize to retain the pavilion rental rates for 2020 as follow (no change from last year)

- Red Jacket Park - \$125 for Residents/\$250 for Non-Resident;
- Indian Pines - \$125 Resident/\$250 Non-Resident;
- Boat Launch – small pavilion: \$25 Resident/\$50 Non-Resident;
- Boat Launch - large pavilion and Lake Street Pavilion: \$50 Resident/\$100 Non-Resident;

**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 to retain the Boat launch rates for 2020 as follow (no change from last year)

- Free to Village of Penn Yan residents with pass
- \$10 per day without pass
- Season pass
  - \$40 for Yates County residents
  - \$50 for non-County residents

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

**PLANNING & DEVELOPMENT:**

Trustee Stewart mentioned the Food Truck Sub Committee has been working hard on this and has a little more to go. Should have a proposal shortly to bring to the Board. Atty. Brockman explained the Planning & Development Committee set up an ADHOC Committee. Trustee Spencer is head of this. They will review the entire Zoning Chapter completely and see what changes need to be update.

**COMMENTS**

**EXECUTIVE SESSION:**

At 7:12 PM, **MOTION** by Trustee Benedict, 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 7:30 PM, **MOTION** by Trustee Benedict, seconded by Trustee Spencer 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 7:31 PM, **MOTION** by Trustee Benedict, 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

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**