

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, June 16, 2020 at 6:00 PM, streamed using Zoom

**PRESENT** Mayor MacKerchar; Trustees C. Benedict; D. Condella; T. Hoban; K. McLoud; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meek; Deputy Clerk/Treasurer H. Easling; Director of Public Works T. Schwartz; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis; 6:13 PM Municipal Commissioner D. Banach arrived

**ABSENT**: Deputy Dir. Of Public Works TBD;

News Media present: None

**PUBLIC**: Carlie Chilson

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

Mayor MacKerchar explained we had a publication issue with the paper and the notice was not placed in the paper. Atty. Brockman explained the paper has created a new e-mail address and we we're not aware of this. Atty. is asking to have this rescheduled for July 21, 2020 at 6:05PM.

**6:00PM PUBLIC HEARING – TAX CAP OVERRIDE**

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to authorize to reschedule the Public Hearing for the Tax Cap Override for Tuesday July 21, 2020 at 6:05PM.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**CALL FOR EXECUTIVE SESSION:**

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize to have an Executive Session for personnel issues and for collective bargaining matter.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MINUTES:**

**MOTION** by Trustee Hoban, seconded by Trustee McLoud to approve the Village Board Minutes from May 19, 2020.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**GUESTS, PUBLIC REQUEST & COMMENTS:**

Carlie Chilson questioned wondering when the Pavilions will be opened? She is aware the parks are opened. Mayor explained we have not started that yet. We are working on getting lifeguards on board and working on a sanitation plan for the facilities, playgrounds and restrooms and until we have that in place we won't be opening.

Carlie mentioned the Legislators held a Public Hearing regarding changing the terms from a two year to a four-year term. This will be on the ballot for November for the voters to vote on.

Trustee Stewart asked people can use the Indian Pines Pavilion, right? Mayor explained yes this is an open Pavilion and we have spaced out the tables for the social distancing. At present the bathrooms are not opened yet looking at a sanitation plan for them. Carlie asked if there was a number of people that are able to use the pavilions and if social distancing is mandatory. Mayor explained groups no more than 25 and tables are separated six feet apart for the social distancing, unsure if they could hold 25 people unless the table have been moved. Mayor stated tables are separated in the parks we are looking to accommodate small family groups, individual groups no family reunions, also not authorizing the use of the firemen's field or the Pavilions at this point. Cannot encourage mass gatherings.

Trustee Stewart stated he is aware the Black Lives Matter rally is set for Saturday June 20<sup>th</sup>. He asked if raining could the speakers be in the Pavilion. Thinking one person at a time. Mayor again the park is open and they can use them but need to maintain social distancing. Tom Schwartz will look into signage be posted for the COVID guidelines.

Carlie mentioned she has heard people are coming into restaurants at their own risk. Wondering maybe a sign enter at your own risk. Mayor restaurants should not place that kind a of sign up. Atty. feels as long as we are following state protocol that have been issued.

**MAYOR:**

Mayor MacKerchar explained he would like to appointment Tom Barden to the Historic Prevention Commission.

**MOTION** by Trustee Benedict, seconded by Trustee Stewart to appoint Tom Barden to the Historic Prevention Commission effectively immediately.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**ATTORNEY:**

**MOTION** by Trustee Spencer, seconded by Trustee Hoban to authorize Resolution No 42-2020 Amending Article I, "Maintenance of Sidewalks" of chapter 174 "Streets and Sidewalks" of the Village Code. Set a Public Hearing for Tuesday July 21, 2020 at 6:00 PM.

**WHEREAS**, the current wording of several sections of the sidewalk maintenance Article are inconsistent and contradictory it is necessary to amend those sections, as well as to remove sidewalk maintenance and installation specifications from the code, to be adopted from time to time by resolution of the Board of Trustees; 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 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. That a public hearing on the proposed Local Law is hereby scheduled for July 21, 2020 at 6:00 p.m. and legal counsel is directed to provide notice thereof by posting and publication.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to authorize Resolution No 43-2020 Authorizing and Directing Mayor to Effectuate Sale of 25 Champlin Ave.

**WHEREAS**, the Village became the owner of the premises known as 25 Champlin Avenue in the Village; and

**WHEREAS**, said premises were, by Resolution duly adopted, declared to be surplus property and to be sold by sealed bid auction; and

**WHEREAS**, the Board of Trustees previously addressed SEQR issues related to this action; and

**WHEREAS**, said sealed bid auction was duly advertised by Notice of Sale, with Terms of Sale; and

**WHEREAS**, appropriate sealed bids were received and deemed to have substantially complied with the Notice of Sale and Terms of Sale, and the sale of the property was awarded to Jerry Proctor, with the highest bid price of \$12,500.00; and

**WHEREAS**, a bid deposit of 10% of the accepted bid price in the amount of \$1,250.00 was made by Mr.

Proctor; and

**WHEREAS**, transfer of title to the property and payment of the balance of the purchase price is imminent.

**NOW THEREFORE BE IT RESOLVED THAT**

1. The Mayor is authorized and directed to execute such documents as are necessary to effectuate the transfer of title of the premises known as 25 Champlin Avenue to Jerry Proctor, upon payment of the balance of the purchase price.
2. The Village Treasurer is authorized and directed to expend any funds necessary to effectuate said transfer of title.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**COMMUNITY REVITALIZATION:**

No updates

**MUNICIPAL:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize to participate in the Yates County Regional Water Study which will be carried out by Clark Patterson Lee (CPL) and pay the \$1,125.00 fee.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee McLoud, seconded by Trustee Benedict to declare Old Truck 3 -2014 Ford F-450 pickup truck- a surplus asset to be sold this Summer on Auctions International.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee McLoud, second by Trustee Hoban to authorize Yvonne Tucker and Rainer Hamm to attend a two-day forum, on July 27th – 29th for the National Workforce Development Forum, in Washington, D.C. Costs to be covered by New York Rural Water Association.

Discussion: Atty. Brockman stated this is an honor they were invited to speak at this and the Village should be very proud.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to execute Elliott Engineering Solutions renewal contract as written and meet with a subcommittee to further discuss the details of the contract.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee McLoud, seconded by Trustee Stewart to approve Utility Payment Agreements in the amount of \$3513.22

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

	<b>Amount:</b>
<b>Paid Before Audit:</b>	
General	161,610.63
Electric	246,799.93
Sewer	10,621.29
Water	7,137.31
Capital Projects	9,777.85
<b>Total Paid Before Audit</b>	<b>\$ 428,809.70</b>
<b>Current Audit:</b>	
General	\$ 255,444.09
Community Development - CRC	-
Electric	122,005.42
Sewer	108,958.61
Water	79,887.09
Capital Projects	-
<b>Total Current Audit Items</b>	<b>\$ 566,295.21</b>
<b>TOTAL AUDIT</b>	<b>\$ 995,104.91</b>

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to approve the retroactive hiring of Mary (Katie) Tomlinson for the position of Keyboard Specialist, effective June 8, 2020. Group 1 Step START 18.71 hr. 1-year probation period. She will be working for the Code Enforcement Office.

Discussion: Bruce stated Katie is doing a good job picking things up quickly.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee Benedict, seconded by Trustee Condella to amend the previously approved Non-Union Salary Schedule June 1, 2020 – May 31, 2021 Resolution 40-2020. Remove Chey Bradley, Senior Typist, 43769.00 Annual Salary (See Attached)

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee Benedict, seconded by Trustee Spencer to amend the previously approved Seasonal Employee Pay Schedule 2020- 2021 Part time Labor Resolution 39-2020. Laborer pay rate. (See Attached)

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee Benedict, seconded by Trustee Condella to approve Seasonal employees (See Attached)

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

**MOTION** by Trustee Benedict, seconded by Trustee Condella to authorize Mayor MacKerchar sign the Non-Union Terms and Conditions of Employment contracts.

Mayor asked for a Roll Call Vote

Mr. Spencer Yes                      Mrs. Benedict Yes                      Mr. Condella Yes  
Mr. McCloud Yes                      Mr. Stewart Yes                      Dr. Hoban Yes  
Motion Carried

**PUBLIC SAFETY:**

**MOTION** by Trustee Condella, seconded by Trustee McCloud to authorize the Graduation Class of 2020 to have a caravan from East Main to North Ave. at 7:30 PM on Friday June 26<sup>th</sup>, 2020.

Mayor asked for a Roll Call Vote

Mr. Spencer Yes                      Mrs. Benedict Yes                      Mr. Condella Yes  
Mr. McCloud Yes                      Mr. Stewart Yes                      Dr. Hoban Yes  
Motion Carried

**POLICE DEPARTMENT:**

Monthly activity report for May

**MOTION** by Trustee Condella, seconded by Trustee Spencer to authorize Katie Zebrowski to Taser Instructor re-certification on September 9<sup>th</sup> in Cayuga County at a cost of \$495.00.

Mayor asked for a Roll Call Vote

Mr. Spencer Yes                      Mrs. Benedict Yes                      Mr. Condella Yes  
Mr. McCloud Yes                      Mr. Stewart Yes                      Dr. Hoban Yes  
Motion Carried

**FIRE DEPARTMENT:**

Chief's Report for May

Trustee Condella explained the Firemen's Field request(s) for 2020 are on hold at this time. The Firemen will be cooking chicken next week for Graduation class and take down to Climbing Bines.

**CODE ENFORCEMENT:**

Monthly activity report for May

**MOTION** by Trustee Condella, seconded by Trustee Spencer to authorize to hire Hamm's Landscaping to mow Village resident's lawns, if they have not been mowed within the appropriate time limit. The cost of mowing plus 10% will be placed on the Village taxes the following year 2021 if they are not paid after invoice is sent out.

114 Benham St      103 Benham St      113 McKinley Ave.      102 Delano Pl  
106 Stark Ave.      200 South Ave.      Hillcrest side      400 Liberty St. (lawn and  
219 Keuka St      204-206 Lake St.      127 Garfield Ave      bushes)

Mayor asked for a Roll Call Vote

Mr. Spencer Yes                      Mrs. Benedict Yes                      Mr. Condella Yes  
Mr. McCloud Yes                      Mr. Stewart Yes                      Dr. Hoban Yes  
Motion Carried

**PUBLIC WORKS:**

**MOTION** by Trustee McCloud, seconded by Trustee Hoban to declare Old PW11 -2014 Ford F-450 pickup truck- a surplus asset to be sold this Spring/Summer on Auctions International.

Mayor asked for a Roll Call Vote

Mr. Spencer Yes                      Mrs. Benedict Yes                      Mr. Condella Yes  
Mr. McCloud Yes                      Mr. Stewart Yes                      Dr. Hoban Yes  
Motion Carried

**MOTION** by Trustee McCloud, seconded by Trustee Condella to declare the 2018 Kubota F3990 Front End Mower as surplus and trade it in for a newer mower from Ferris.

Mayor asked for a Roll Call Vote

Mr. Spencer Yes                      Mrs. Benedict Yes                      Mr. Condella Yes  
Mr. McCloud Yes                      Mr. Stewart Yes                      Dr. Hoban Yes  
Motion Carried

**PLANNING & DEVELOPMENT:**

Trustee Stewart mentioned nothing to report tonight

**COMMENTS**

**EXECUTIVE SESSION:**

At 6:40 PM, **MOTION** by Trustee McCloud, seconded by Trustee Condella to enter into Executive Session.

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 6:50 PM, **MOTION** by Trustee Spencer, seconded by Trustee Benedict to leave Executive Session and return to regular Village Meeting.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes
Motion Carried					

**ADJOURNMENT:**

At 6:51 PM, **MOTION** by Trustee Benedict, seconded by Trustee Spencer to adjourn the regular Village Board meeting.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Yes	Mr. Stewart	Yes	Dr. Hoban	Yes
Motion Carried					

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**