

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, June 18, 2019 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; Deputy Director of Public Works T. Schwartz; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis

ABSENT:

News Media present: Gwen Chamberlain, Chronicle Express; Mike Hibbard Finger Lake Time

PUBLIC: Cindy Kriegar, Atty. Alan Knauf, Officer Jef Stewart, Investigator Wayne Marsh, Bill Wigsten, Mark Morris

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

6:00 PM PUBLIC HEARING – Senior Citizen Housing

Local Law E 2019 A Local Law establishing a six (6) month moratorium on the construction of and/or submission and processing of applications for senior citizen housing facilities within the Village of Penn Yan.

At 6:00 PM **MOTION** by Trustee McLoud, seconded by Trustee Condella to open the Public Hearing regarding Senior Citizen Housing and establishing a six (6) month moratorium.

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

Mayor explained we need to review our Zoning Law regarding Senior Citizen housing. Judge Cook’s interpretation has Senior Citizen Housing available in the Village regardless what type of structure. Atty. Knauf for Genecco’s feels Senior Citizen housing is allowed in a R1. His client filled out application last fall and was wrongfully delayed because it was a week over due. Atty. Knauf feels there is no need for a moratorium Senior Citizen Housing is a good thing for the people. Penn Yan & Finger Lakes need more Senior Housing. There is no threat to Public Health and would be good for the area. Atty. Knauf is asking the Board not to pass the 6 month Moratorium.

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

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

CALL FOR EXECUTIVE SESSION:

At 6:06PM **MOTION** by Trustee McLoud, seconded by Trustee Condella to have an Executive Session to discuss the PBA contract.

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

At 6:26PM **MOTION** by Trustee Condella, seconded by Trustee McLoud to leave Executive Session and return to the regular Village meeting.

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

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize to ratify the PBA contract for June 2019 to May 31, 2023.

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

Mayor Thanked Dan Condella, Kevin McLoud, Gary Meeks, Chief Dunham, Investigator Marsh, Officers Stewart and McKnight for all their hard work on this.

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize to have a closed session.

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

MINUTES:

MOTION by Trustee Spencer, seconded by Trustee McLoud to approve the Village Board Minutes from May 21, 2019.

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Mark Morris from the Keuka Lake Association explained they are working with the DEC and looking at different locations around the lake to get water samples, very similar to what Seneca Lake is doing. At present have over 25 Volunteers that have had training with the DEC. Working with Seneca Lake on updating the Water Shed Management plan for the 9 element plan. This will lead to improvement projects we need to take around the lake for nutrients problems. This is 3-4 years. Mark mentioned this is the 3rd year with the DEC grant for the Starry Stonewort. We will be harvesting again this year in July and another time later on. We did have a boat steward inspection program and this will continue with the DEC help for another 3 years. This was helpful to stop getting species placed in the lake and also detected items coming out of lake. Mayor Thanked the Keuka Lake Association for protecting the lake and keep our lake clean. Mark mentioned is a partnership with many people and organizations (KWIK, Yates County Soil & Water, and Cornell Cooperative Extension, Keuka College, Finger Lake Institute and DEC name a Few).

MAYOR:

Mayor welcomed Tom Schwartz our new Deputy Director of Public Works to our meeting tonight.

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize the Mayor to appoint the CEO or Executive Officer of Keuka Housing Council as the Fair Housing Officer for the Village of Penn Yan.

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

ATTORNEY:

MOTION by Trustee Condella, seconded by Trustee McLoud to waive the 30 –Day notice requirements for Parker’s Grille, Inc. Penn Yan/Liquor License for Bar/Restaurant for the 30-Day advance Notice has been received.

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

Atty. Brockman discussed the issues regarding the outdoor service permit given to Lloyd’s back in 2009, with requirements within the permit are a liquor license in effect and insurance to be filed with the Village Clerk. Neither has occurred and agreement was specifically for the named Business which is closed and no longer under that name. The permit/agreement needs to be revoked. Atty. did explain if a new business owner wants to reapply they can.

MOTION by Trustee Benedict, seconded by Trustee Spencer to authorize Resolution No 52-2019 Revocation of Permit For Outdoor Service of Alcohol Lloyd’s Ltd.

WHEREAS, Lloyd’s Ltd was previously issued a permit for outdoor service of alcohol on or about November 25, 2009; and

WHEREAS, Lloyd’s Ltd has been closed as a business for in excess of one (1) year; and

WHEREAS, upon information and belief, Lloyd’s Ltd no longer has a liquor license; and

WHEREAS, Lloyd’s Ltd has not submitted a certificate of insurance to the Village Clerk for more than a year; and

WHEREAS, the above possession of a liquor license and submission of an insurance certificate are requirement for continuation of the outdoor service permit.

NOW THEREFORE Be It Resolved that

Upon good cause shown, as evidenced by the above, the Permit for the outdoor service of alcohol previously issued to Lloyd's Ltd a Pub on or about November 25, 2009 is hereby in all respects revoked as of the date of adoption hereof.

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

Local Law G - of 2019 Amending Chapter 190, the "Vehicles and Traffic" of the Code of the Village of Penn Yan.

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 51-2019 Local Law to Establish Signage at the Intersection of the Village Streets Known as Central Avenue Extension and Seneca Street and set a Public Hearing for July 16, 2019 at 6:05PM

WHEREAS, the Village Director of Public Works together with the Village Public Safety Committee have recommended the adoption of a Local Law formalizing the placement of a stop sign at the intersection of Central Avenue Extension with Seneca Street.

WHEREAS, a Local Law for that purpose has been prepared and circulated to the Board of Trustees; and

WHEREAS, it appears that there will be no environmental impacts resulting from such action.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Board of Trustees declares itself "Lead Agency" for SEQRA purposes relating hereto. It is determined that no environmental impacts will result from this action and accordingly this is declared to be a Type II action. Therefore no environmental review will be untaken.

2. A public hearing on the proposed Local Law is hereby scheduled for July 16, 2019 at 6:05 p.m. in the Village Hall and that due notice thereof be made by the Village Attorney.

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

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize Resolution No 50-2019 Determination For SEQRA Purposes of Action "Type" II With Respect to Sanitary Sewer Rehabilitation and Installation of Disinfection Mechanism at the Village Wastewater Treatment Plant (WWTP)

WHEREAS, the Village of Penn Yan operates a wastewater (sanitary) sewer system including a wastewater treatment plant (WWTP); and

WHEREAS, certain rehabilitation to sewer lines and installation of a disinfection system at the WWTP are going to be undertaken by the Village, including the obtaining of financing for the projects; and

WHEREAS, the Board of Trustees intends to address SEQRA issues related to the projects; and

WHEREAS, 6NYCRR Part 617.5 provides that the following are "Type II" actions:

- 617.5 (c)(1) "maintenance or repair involving no substantial changes in an existing structure or facility;"
- 617.5(c)(2) "replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site..."
- 617.5(c)(5) "street openings and right-of-way openings for the purpose of repair or maintenance of existing utilities".
- 617.5(c)(21) "conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budget processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action"; and

WHEREAS, the Board of Trustees intends to act as "Lead Agency" for the purpose of the SEQRA determination related hereto; and

WHEREAS, the Village of Penn Yan is submitting a Consolidated Funding Application (CFA). This funding request would be used to make repairs to sewer lines and manholes in order to reduce inflow and

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Eric Spencer permanent appointment as Apprentice Lineman, effective June 19, 2019. No change in rate.

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 Tim Marcellus as Street Supervisor, there will be a 12 week probation period effective June 19, 2019. No change in rate.

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 to hire Jonathan McKay as a seasonal laborer, effective July 1, 2019 at \$11.10 hr.

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 to hire Ashley Leederman as a part time Lifeguard, effective June 29, 2019 at \$12.50hr.

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 to terminate Steve Harris MEO (L) effective 6/14/2019 at midnight.

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 start to recruit to fill a MEO (L) position

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 of an Electric Line Crew Chief in anticipation of an opening.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Chief's Report for May

FIRE DEPARTMENT:

Chief's Report for May

FYI – Updated requests use for 2019 Fireman's Field

MOTION by Trustee Condella, seconded by Trustee McLoud to authorize William Wixson to be elected to the PY Fire Dept. in the Hook and Ladder Company effective 6/4/2019.

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

Brent would like to "Thank" the Fire Department for their assistance at the outage on Friday night when a tree fell on the Electric lines for providing a truck and scene lighting.

CODE ENFORCEMENT:

Monthly activity report for May

MOTION by Trustee Condella, seconded by Trustee Benedict to hire someone 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 2020 if they are not paid after invoice is sent out.

Lake Street Plaza 200 South Ave. 171 Main Street	204 Lake Street 101 Liberty Street Hillcrest Drive (vacant land	105 Lincoln Ave. 144 Stark Ave. Tax Map # 61.50-1-16)
25 Champlin Ave.	400 Liberty Street	

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

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Hoban to declare the following item surplus to sell. Cut off wheel attachment purchased in 2015.

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

PLANNING & DEVELOPMENT:

Trustee Stewart mentioned the Historic Committee is looking for a new member to fill a recent vacancy. At this time unsure if it will be an alternate or permanent appointment. Have developed an ADHOC committee to look into sidewalk food venue such as Food trucks, BBQ's etc. Had a good discussion to look into short term rental properties.

COMMENTS

CLOSED SESSION:

At 6:52 PM, **MOTION** by Trustee Benedict, seconded by Trustee Condella to enter into a closed Session for legal counsel.

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

ADJOURNMENT OF CLOSED SESSION:

At 7:53 PM, **MOTION** by Trustee McLoud, seconded by Trustee Hoban to leave closed Session and return to regular Village Meeting.

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

MOTION by Trustee McLoud, seconded by Trustee McLoud to authorize a special Village meeting on June 21st at 8:00AM

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

ADJOURNMENT:

At 7:55 PM, **MOTION** by Trustee McLoud, 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:

