

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, July 21, 2020 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527 streamed using Zoom

PRESENT Mayor MacKerchar; Trustees C. Benedict; D. Condella; T. Hoban; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Trustee; Deputy Clerk/Treasurer H. Easling; Director of Public Works T. Schwartz; Police Chief T. Dunham; CEO B. Lyon; Fire Chief F. Ellis
At 6:31 PM Trustee K. McCloud logged in on meeting.

ABSENT: Deputy Dir. Of Public Works TBD;

News Media present:

PUBLIC:

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

6:00PM PUBLIC HEARING – Local Law C 2020 Streets and Sidewalks

At 6:00PM **MOTION** by Trustee Condella, seconded by Trustee Hoban open the Public Hearing Local Law C 2020 Streets and Sidewalks

Mayor asked for a Roll Call Vote

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

Mayor asked if anyone had any comments or concerns. Carlie Chilson asked if the Local Law is regarding the handicap accessibility. Mayor explained no this is to help clarify some issue on property owners’ sidewalks, repairs and replacement by the Village, basically housekeeping. Mayor asked if anyone had any other questions or concerns. None

At 6:03 PM Trustee Hoban stepped away from the meeting

At 6:03 PM **MOTION** by Trustee Benedict, seconded by Trustee Condella to close the Public Hearing

Mayor asked for a Roll Call Vote

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

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize Resolution No 44 - 2020 Amending Chapter 174 “Maintenance of Sidewalks” “Streets and Sidewalks” of the Village of Penn Yan

WHEREAS, the Board of Trustees previously dealt with SEQRA issues related to this action; and

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan on said proposed Local Law on July 21, 2020.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees of the Village of Penn Yan adopts the proposed Local Law.
2. The Deputy Clerk is directed, through the Village’s legal counsel, 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, including the entry thereof in the minutes of the Village Board Meeting.

Mayor asked for a Roll Call Vote

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

At 6:05 PM Trustee Hoban returned to Zoom meeting

6:05 PM PUBLIC HEARING - Repeal Tax Cap Override Local Law G 2020

At 6:05 PM **MOTION** by Trustee Spencer, seconded by Trustee Condella to open the Public Hearing Repeal Tax Cap Override Local Law G 2020

Mayor asked for a Roll Call Vote

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

Motion Carried

Mayor asked if anyone had any comments or concerns. Mayor again thanked everyone for their hard work. Carlie Chilson asked with the impact that COVID has on our budget, do you have any direction in regards to how it will impact Village taxes in the future. Mayor stated at present a lot of unknown variables. Looking at possible impact around \$100,000 if the aid we anticipated is reduced, nothing concrete on that. Not saying it's not impacting us; we are not being as effected as the schools and other government entities are. Not relying on State funding for too many things. Carlie asked are you putting a cap on the taxes that you're allowed to collect? Mayor explained no, we do this every year in the budget preparation, we have to get the budget under the tax cap. It started out at 2% now 1.4% or whatever they come up with the inflation. If we can't make the budget under the tax cap, we have this law in place to override it, which we did. Our budget was under the tax cap, so need to repeal the override.

Mayor any other questions or concerns for the Tax Cap Override. Trustee Stewart asked what happens if we don't pass it. Mayor mentioned we will still have a law on the books, that will allow us to go over the tax cap, which we didn't do. Trustee Stewart asked can't we save it for next year. Atty. Brockman mentioned no the State will not let us use it again next year.

At 6:09 PM **MOTION** by Trustee Benedict, seconded by Trustee Stewart to close the Public Hearing.

Mayor asked for a Roll Call Vote

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

Motion Carried

MOTION by Trustee Benedict, seconded by Trustee Hoban to authorize Resolution No 45 - 2020 Adoption of Local Law Authorizing the Repeal of "Tax Cap Override Law of 2020"

WHEREAS, a proposed Local Law has been drafted and circulated to the Board of Trustees with respect to this matter; and

WHEREAS, the Board of Trustees intends to act as "Lead Agency" with respect to SEQRA issues related to this action; and

WHEREAS, a public hearing was held before the Board of Trustees of the Village of Penn Yan on said proposed local law on July 21, 2020.

NOW THEREFORE BE IT RESOLVED, THAT

1. The Board of Trustees designates itself as "Lead Agency" for SEQRA issues related hereto, determines that there will be no environmental impacts resulting therefrom, therefore declares this to be a "Type II" action and accordingly no environmental review will be undertaken.
2. The Board of Trustees of the Village of Penn Yan adopts proposed Local Law.
3. The Deputy Clerk is directed, through the Village's legal counsel, 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, including the entry thereof in the minutes of the Village Board Meeting.

Mayor asked for a Roll Call Vote

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

Motion Carried

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee Spencer, seconded by Trustee Condella to authorize to have an Executive Session for legal counsel.

Atty. Brockman asked for a clarification for clerk, it would not be an Executive Session it would be a closed session to confer with legal counsel.

Mayor asked for a Roll Call Vote

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

MINUTES:

MOTION by Trustee Stewart, seconded by Trustee Spencer to approve the Village Board Minutes from June 16, 2020.

Mayor asked for a Roll Call Vote

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Carlie Chilson mentioned at a Legislator’s meeting they’re looking into getting a code in place to prevent marijuana shops being set up in our kids’ pathway for the County. It’s not a matter if coming but when it’s going to come and we’re looking to prevent shops being set up near schools and where our children would have quick access. Carlie explained at present Dan Long working with Nonie Flynn on this and they will be getting in touch with the municipalities regarding where to place these instead of them to have free reign where to set up shops. Trustee Condella wondered if this should be discussed at Public Safety or a different committee. Mayor would like it to be placed under zoning with Planning & Development first. Carlie will call the Village Clerk to get on the agenda for Planning & Development. Mayor hopes the County could come up with the standardize verbiage. Atty. Brockman feels having restricted radius to any school or places kids would congregate at. Carlie hopes to have a zone in place where we limit the availability.

MAYOR:

Mayor mentioned we still have COVID guidelines and requirements. Would like to thank Tom, Gary and Holly for getting all the protocol in place for the office. Mayor explained for Board members and visitors when they enter the Office building, they need to fill out a short Health Self-Assessment form, that can be found at Clerk’s counter or at Village Board counter. At this time all visitors are by appointment only at this time. We have the drive-thru window open which is working out great. Mayor wants to thank everybody for dealing with COVID. At present unable to do a mixed Board meeting (half virtual, half inperson) feel we should proceed with Zoom. He stated the community is being responsible with face masks and social distancing. He knows the school system is working very hard trying to figure out how to open, have a lot of precautions that have to be put in place.

Mayor wanted to Thank Mr. Brockman for all the work he did on the McDonald deeds. They have now been recorded, it’s an excellent addition to our Park lands. It’s an opportunity to look at another accesses from Lake Street to the waterfront trail.

ATTORNEY:

Atty. Brockman gave an update status for 106 Stark Ave. This has been placed on the Surrogate Court calendar for August 6. All the papers have been served. Ethel Hoose will become the administrator. She has mentioned she has a buyer for the property. Should have this resolved shortly.

COMMUNITY REVITALIZATION:

Mayor explained no new applications. Atty. Brockman mentioned they have received one new application in. Atty. mentioned Katie the new Code secretary is working hard to get up to speed on the Facade program.

MUNICIPAL:

MOTION by Mayor MacKerchar, seconded by Trustee Condella to authorize the property owner at the corner of Hillcrest Drive and Old Bath Road to hook up to the Milo Sewer District 3 system; contingent upon determining that the property is not within 100 feet of the existing Village Sewer system.

Discussion: Mayor explained the area is at the bottom of the hill. Municipal Board has reviewed this, thinking it will involve a pump installation and a few other things. Trustee Hoban asked if the road will be fixed. She mentioned feels it will make it through the winter. They went across the road twice. Tom Schwartz and Atty. will work together if need to get that fixed.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Absent	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

MOTION by Mayor MacKerchar, seconded by Trustee Benedict to award O’Connell Electric Company, Inc. the 4kV Distribution Circuit Gang Switches bid for the amount of \$36,500.00

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Absent	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

MOTION by Mayor MacKerchar, seconded by Trustee Benedict to declare Water/Sewer 2019 Bobcat Skid-Steer [ALJ827254]- a surplus asset to be traded in to Bobcat of the Finger Lakes this Summer for a new 2020 S650 T4 Bobcat Skid-Steer Loader.

Mayor asked for a Roll Call Vote

Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McCloud	Absent	Mr. Stewart	Yes	Dr. Hoban	Yes

Motion Carried

At 6:31 PM Trustee McCloud joined the meeting.

MOTION by Mayor MacKerchar, seconded by Trustee Benedict to accept Casella’s Residuals Management Service Agreement for the acceptance of Village of Penn Yan municipal sludge. Costs incurred to vary based on a base rate of \$65/wet ton of Residuals accepted and \$80/load to cover costs of the Facility’s time and equipment used to dig the load out of the container.

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 authorize the suspension of City Hill’s septage hauling permit to the Penn Yan Wastewater Treatment Plant for a period of 30 days, effective 72 hours after being adopted by the Village of Penn Yan Board of Trustees on Tuesday, July 21, 2020.

Discussion: it was a non-permitted commercial waste hauling done; Municipal Board recommended a 30-day suspension of the hauling permit to the Village.

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 Mayor MacKerchar, seconded by Trustee Stewart to authorize Steve Castner’s Wastewater Grade II state certification. Renewal fee to be paid to New York Water Environment Association in Syracuse N.Y. Fee: \$160.00.

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

Atty. Brockman asked to go back up to the City Hill matter. Who will be contacting City Hill for this action? Mayor feels Tom, Director of Public Works will contact them. Tom, mentioned he will put a 72hr delay on it and send it Certified mail.

MOTION by Mayor MacKerchar, seconded by Trustee Benedict to declare WWTP 2019 Bobcat Skid-Steer [ALJ827243]- a surplus asset to be traded in to Bobcat of the Finger Lakes this Summer for a new 2020 S650 T4 Bobcat Skid-Steer Loader.

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 Mayor MacKerchar, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$2,590.02

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 authorize to increase the Code Enforcement Officer, Bruce Lyon’s annual salary to \$55,000.00 effective July 22, 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

MOTION by Trustee Benedict, seconded by Trustee Condella to retroactively authorize the hiring of Elle Harrison and Zack Smith as lifeguards effective July 4, 2020. Pay rate of \$13.20/hr.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for June

Trustee Condella questioned if calls are up this month. Chief Dunham explained they changed a bit due to COVID but seems to still be busy.

FIRE DEPARTMENT:

Chief’s Report for June

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize Robert Sebring and Jason Wisner to be elected to the PY Fire Dept. in the Hunter Hook & Ladder Company effective 7/9/2020.

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

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize Brad Ovens and Stacy Stoddard to be elected to the PY Fire Dept. in the Ellsworth Hose Company effective 7/9/2020.

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

MOTION by Trustee Condella, seconded by Trustee McLoud to remove Ted Cox from the active roll effective 7/13/2020.

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

Chief Ellis mentioned did anyone hear the horn go off today. Chief Ellis mentioned the one guy working on it (Joe Yankanich) said he could get it fix for less than \$100.00 I told him go ahead. Tom mentioned he knows the system very well.

CODE ENFORCEMENT:

Monthly activity report for June

Bruce Lyon mentioned he is starting to set up fire safety inspections for some commercial sites starting in August. Have sent a couple of tickets out and will set appearance tickets up for the end of August.

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize Hamm’s 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.

205-207 Elm Street	215 Elm Street	203 Keuka Street	104 Liberty Street
304 Liberty Street	204-206 Lake Street	109 Liberty Street	

Discussion; Atty asked if Pizza Hut is on the list looks like they are out of business. Bruce mentioned no but could be they have been pretty good in keeping up with it.

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 Condella to authorize the Summer sports leagues to proceed with their respective seasons and use Village facilities as long as they are following State safety guideline.

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 Spencer to authorize the Yates County Indemnification Agreement.

Discussion: Atty. Brockman strongly advised based on the wording to have the only ones to operate the machinery would be the County employees.

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:

MOTION by Trustee Stewart, seconded by Trustee Condella to authorize configuration survey to be done of the Village-owned property at the south west corner of Sherman Street and Kennedy Avenue. (approximately .66 acres)

Discussion: Atty. Brockman the Motion should read to authorize the preliminary survey. Feels lot is 2/3 of an acre and the size of it will determine how many building lots are there. If we do sell it will need a survey anyways.

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

Motion Carried

COMMENTS

EXECUTIVE SESSION:

At 6:56 PM, **MOTION** by Trustee Benedict, seconded by Trustee Condella to enter into Closed Session.

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 OF EXECUTIVE SESSION:

At 7:26 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 7:27 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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: