

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, August 18, 2020 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527 streamed using Zoom

PRESENT Mayor MacKerchar; Trustees; D. Condella; T. Hoban K. McLoud; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Director of Public Works T. Schwartz; Police Chief T. Dunham; CEO B. Lyon; Deputy CEO J. Kincaid; Fire Chief F. Ellis

ABSENT: Trustee C. Benedict; Deputy Clerk/Treasurer H. Easling; Deputy Dir. Of Public Works TBD;

News Media present: None

PUBLIC: Mark Morris- Keuka Lake Association, Barb

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

CALL FOR EXECUTIVE SESSION:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize to have an Executive Session for performance of an employee, asking Atty Brockman, Gary Meeks and Tom Schwartz to attend.

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

MINUTES:

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

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

GUESTS, PUBLIC REQUEST & COMMENTS:

Mark Morris discussed they receive funding from 9 Element Plan, which is an update Water Shed Management Plan. They are ready for their first Public update that will be next Monday night (August 24). It's a great chance to listen and understand on what is going on. This is the first of three Public out reaches, and have two more years before we actually have the project done. These are required before getting any future funding. Mark asked if anyone had questions and mentioned that the session will be taped so you can review it at another time. Tom Schwartz mentioned he will be joining the meeting on Monday.

During the discussion Mayor lost internet connection, he is trying to reconnect

Deputy Mayor will take over until the Mayor reconnects

Deputy Mayor Condella read briefly the Thank you letter from the Emmanuel Baptist Church to Penn Yan Police Department. Chief Dunham mentioned basically it's a letter on the PY Police Department referencing the Executive Order 203 about Community interaction with leaders and Police Department. She wrote a nice letter Thanking the Police force.

At 6:17 PM Mayor rejoined the Zoom meeting

MAYOR:

Mayor mentioned he received a letter and a 139-page document from the Governor on his guidance on the NYS Police Reform & Reinvention Collaborative efforts. The first step will meet with stake holders. Mayor stated our Police Department is one of the finest group of young men and women. They're compassionate and dedicated they do a great job for us. The Chief of Police, Chairman of Public Safety, District Attorney, Village Justice and a few others will meet to review what we have and how we do it. Need to prepare a Public presentation and move to a larger group of stake holders and come up with a plan by April 2021. This will be a positive process.

MOTION by Trustee Spencer, seconded by Trustee McLoud to authorize Resolution No 46-2020 Yates County Multi-Jurisdictional all Hazard Mitigation Update.

WHEREAS, VILLAGE OF PENN YAN with the assistance from TETRA TECH, has gathered information and prepared the YATES COUNTY MULTI- JURISDICTIONAL ALL HAZARD MITIGATION UPD ATE; and

WHEREAS, the YATES COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN UPDATE has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, VILLAGE OF PENN YAN is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, VILLAGE OF PENN YAN have reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by VILLAGE BOARD that VILLAGE OF PENN YAN adopts the YATES COUNTY ALL HAZARD MITIGATION UPDATE PLAN as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

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

Mayor mentioned the Genesee/Finger Lakes Regional Planning Council is preparing a Complete Streets policy for Penn Yan. They will be outside the Elks Club this Saturday August 22, 2020 from 9:00 AM – 12:00PM. Stop by and give your input regarding paths for bikes and walkability.

ATTORNEY:

Mayor mentioned he has spoken with Leslie Church at Milo Office regarding the one parking spot out in front of the Milo Town Office Explained the Village would like to make this a no parking spot for the safety of walkers crossing the Street. She is in agreement and they have almost seen a few accidents there.

MOTION by Trustee Condella, seconded by Trustee McLoud to authorized Atty. Brockman to amend Vehicles and Traffic Chapter 190-48 Parking Prohibited - No parking one space in front of Milo's Town Office on Main Street.

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

Mayor explained do not need a motion for no parking on Benham Street by Two Can Dan's. It was only temporary for the no parking on Benham Street, due to them getting new sidewalk poured. Dan Gurba and Police explained to neighbors, they now understood the situation.

No need for motion to authorize Atty. Brockman amend Vehicles and Traffic Chapter 190-48 Parking Prohibited for No parking on Benham Street from 134-136.

COMMUNITY REVITALIZATION:

Mayor MacKerchar mentioned they have had ten applications and a great deal of them do include Façade improvement. He anticipates the DRI activity will generate some more activity with the facade.

MUNICIPAL:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize the Resolution No 48-2020 to appoint Thomas Schwartz as voting delegate from the Village of Penn Yan for the (MEUA'S) Annual Conference to be held on September 17, 2020, to be held via virtual. **ROLL CALL**

At a regular meeting of the Village Board of the City/Town/Village of Penn Yan, New York, held on Aug 18, 2020, the following resolution was adopted:

Moved by Trustee McLoud, seconded by Trustee Condella

WHEREAS, the Village Board of the City/Town/Village of Penn Yan, New York, is a municipal member of the Municipal Electric Utilities Association of New York State, and

WHEREAS, the Annual Conference of the Municipal Electric Utilities Association of New York State has been called on September 17, 2020, to be held via virtual meeting and,

WHEREAS, in accordance with the bylaws of the Municipal Electric Utilities Association of New York State, each municipal member may cast one vote on each transaction properly brought before this meeting,

NOW THEREFORE BE IT RESOLVED, that Thomas Schwartz be and is hereby designated as the accredited delegate of the City/Town/Village of Penn Yan, New York.

	Aya	Nay	Absent
Mayor MacKerchar	X		
Trustee Benedict			X
Trustee Condella	X		
Trustee Hoban	X		
Trustee McLoud	X		
Trustee Spencer	X		
Trustee Stewart	X		Carried

MOTION by Trustee McLoud, seconded by Trustee Condella to approve the change order # 2 for the Franklin Street Water Main Project to decrease the contract award amount by \$776.89; which was awarded to TLM Excavating this decrease would change the contracted amount to \$240,713.24.

Discussion: Tom Schwartz mentioned the Water Main portion of it is complete. Plan is to rebuild the road next year. Tom walked the area with Ron Keech and Tim Marcellus with the contractor to inform them what concerns the residents had.

ADOPTED Ayes 5 MacKerchar, Condella, Hoban, McLoud, Stewart
 Nays 0 Abstain Spencer Absent Benedict

MOTION by Trustee McLoud, seconded by Trustee Condella to send four Village representatives and allow the use a Village vehicle to attend the Southern Tier NY Water Works Operators Conference on September 16th in Hammondsport, NY. Fee: \$45.00/member; total cost \$180.00.

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$1,723.13

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

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	25,596.66
Electric	224,205.96
Sewer	7,552.84
Water	7,982.94
Capital Projects	
Total Paid Before Audit	\$ 265,338.40
Current Audit:	
General	\$ 78,133.86
Community Development - CRC	-
Electric	50,267.57
Sewer	53,339.44
Water	84,899.41
Capital Projects	-
Total Current Audit Items	\$ 266,640.28
TOTAL AUDIT	\$ 531,978.68

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

MOTION by Trustee Spencer, seconded by Trustee Condella to authorize Resolution No 47-2020 Budget Transfer 2019-2020 Fiscal Year for \$37,286.
 (processing of open purchase orders in the final close of the financial system)

TO:			Fund
Account Id	Description	Date	Totals
A -1623-4-410	Oliver House-Contractual Services	101	
A -8760-4-410	Emergency Disaster -Contractual Services	33,586	
EW-8320-4-418	Pumping & Purification-Maint on Plant	<u>3,599</u>	
		<u>37,286</u>	
			General 33,687
			Electric -
			Sewer -
			Water <u>3,599</u>
			- <u>37,286</u>
FROM:			
Account Id	Description	Date	
A -1623-4-500	Oliver House-Supplies & Materials	101	
A -5110-2-210	Street Maintenance-Asphalt Concrete	33,586	
EW-8320-4-419	Pumping & Purification-Maint Contracts	<u>3,599</u>	
		<u>37,286</u>	
			General 33,687
			Electric -
			Sewer -
			Water <u>3,599</u>
			<u>37,286</u>

Budget transfers necessary to allow for proper processing of open purchase orders in the final close of the financial system for fiscal year 2019-20.

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

MOTION by Trustee Spencer, seconded by Trustee Stewart to authorize the Mayor to sign an agreement renewal with Municipal Solutions to assist with Continuing Disclosure filings. Note that the fees for filing of financial statements and material event notices are increasing from \$200 to \$225, but the fee for the full disclosure of financial and operating data which is required annually remains at \$2,000.

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

MOTION by Trustee Spencer, seconded by Trustee McLoud to adjust Sergeant Justin Hamm’s longevity date to allow him to move to Step 14 on 1/7/2021 and to follow future steps the same as all other Officers in the Department. This adjustment will make Justin’s pay rate consistent with the rest of the Departments steps going forward.

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

MOTION by Trustee Spencer, seconded by Trustee McLoud to appoint Rainer Hamm the permanent position as WWTP Maintenance Worker effective 8/19/2020. No change in Group-Step or Rate. This position was changed from Competitive to Non-Competitive 5/1/2020.

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

MOTION by Trustee Spencer, seconded by Trustee Condella to create one (1) additional position of Account Clerk Typist.

Discussion: Trustee Spencer is wondering he has read other municipalities are worried about the budget. Are we at a point to consider a hiring freeze or concerned for our budget with the extra COVID costs? Gary Meeks stated we are not at that point. This is due to an employee who is expected to retire in the near future.

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

MOTION by Trustee Spencer, seconded by Trustee McLoud begin recruitment of an Account Clerk Typist in anticipation of an employee retirement.

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

MOTION by Trustee Spencer, seconded by Trustee Condella to approve the distribution of Village of Penn Yan Restoration of Operations Plan.

Discussion: Mayor Thanked everyone who was involved in putting this together, looks like a good plan going forward.

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

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for July

Chief Dunham mentioned they have had a busy month and everyone doing well

FIRE DEPARTMENT:

Chief's Report for July

Chief Ellis stated they also have had a busy month

MOTION by Trustee Condella, seconded by Trustee Spencer to remove John Ward from the active roll effective 8/7/2020.

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

Chief Ellis asked how does he go about declaring old air packs surplus. Gary mentioned he and Frank will talk. Frank at one time mentioned they were purchased with a grant. Gray explained need to look into this more to be sure how and when they can be disposed of. Chief Ellis stated the nozzles were from a grant not air pack. Gray would like to meet with Chief Ellis to discuss this. Chief Dunham mentioned what he does is write a letter of what he intends to declared as surplus and take to the Public Safety Committee for their approval first then comes to the Village Board.

CODE ENFORCEMENT:

Tom Schwartz welcomed Jamie to the team

Monthly activity report for July

MOTION by Trustee Condella, seconded by Trustee McLoud 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.

103 Benham Street Lot on McKinley Ave. 200 South Ave.

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

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize the Keuka Lake Association to post or install non-permanent 5.200 (5 mph 200 feet from rafts, end of docks or undeveloped shoreline) sign(s) at the Village of Penn Yan boat launch.

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

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize the Friends of the Outlet to install interpretive signs in the Village of the Penn Yan on the outlet trail. One near the new pedestrian bridge by the Lake Street playground, the second to go near the other pedestrian bridge close to Birkett Mills

Discussion: Atty. asked if we want to make this conditional upon approval of the actual sign and wording so forth. Mayor mentioned it's all set showed everyone the sign. Tom Schwartz mentioned the sign are actually are up.

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

PLANNING & DEVELOPMENT:

Trustee Stewart mentioned they met but has nothing to bring for a vote.

Atty. Brockman stated these two items were discussed at the Public Safety Committee this month and they asked to have the Planning & Development review the following items at their September meeting. Paddles Boats etc. on the Outlet/ channel and there is a concern with four wheelers on Lincoln Ave.

Trustee Stewart mentioned they were to have a guest at this month's meeting but they had missed the meeting thinking it was on another night. They will be on the agenda for next month.

COMMENTS

Mayor MacKerchar mentioned they are looking for people to fill vacancies on the following committees Planning Board, Historic and Zoning Board of Appeals (ZBA). Will start to advertise in paper and place on the Village Web site.

Trustee Condella mentioned the Willow Run event for September we haven't received anything yet. Mayor stated we had concerns about the number of people going to be involved. Village Clerk reminded the Board you had asked him to have his plan ready by August 21, she has not received anything yet. When she does, she will pass it along ASAP.

Trustee Stewart our next Board meeting is the same day as Village Elections September 15. Feels we need to think about people coming into the building and safety issues and rules will they be signing in. He mentioned the Election Board will be contacting us and we need to inform the Village Court staff. Rich mentioned at the primary in June they had you sign in with a popsicle stick.

EXECUTIVE SESSION:

At 6:50 PM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to enter into Executive Session. Mayor asked Atty. Brockman, Gary Meeks and Tom Schwartz to join the Executive Session.

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 7:08 PM, **MOTION** by Trustee Condella, seconded by Trustee McLoud to leave Executive Session and return to regular Village Meeting.

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

ADJOURNMENT:

At 7:09 PM, **MOTION** by Trustee Spencer, seconded by Trustee Stewart to adjourn the regular Village Board meeting.

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: