

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, August 19, 2014 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor L. MacKerchar; Trustees W. Allison: C. Benedict; B. Church; D. Reeve; R. Stewart; Clerk/Treasurer G. Meeks; Assistant Director of Public Works B. Jensen; Police Chief M. Hulse; CEO B. Lyon

ABSENT: Trustee C. Christensen; Attorney Ed Brockman; Director of Public Works B. Bodine; Fire Chief J. Housel

News Media present: Gwen Chamberlain, Chronicle Express; David Specksgoor, Dundee Observer

PUBLIC: Erv Schroeder, Kara Schroeder, Bill Hankinson, Mark Morris, Teresa Mulberger, Donna McMinn, Lisa Winner

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

CALL FOR EXECUTIVE SESSION:

No call for an Executive Session tonight.

MINUTES:

MOTION by Trustee Allison, seconded by Trustee Church to approve the Village Board Minutes from July 15, 2014.

ADOPTED	Ayes 6	MacKerchar, Allison, Benedict, Church, Reeve, Stewart
	Nays 0	Abstain 0 Absent Christensen

GUESTS, PUBLIC REQUEST & COMMENTS:

Erv Schroeder presented the Mayor and Board a petition with 42 signatures and pictures of the three Streets (Franklin and Sherman Streets and Kennedy Ave.) The residents are fed up with the conditions and the lack of maintenance to the three Streets. Not one has a working ditch that runs water. Mayor explained the crew is starting to work on Willow Road at this time, looking to get base down and hope to pave before winter or next spring – unsure at this time. Your Streets were to be done this year but was put off due to getting Willow Road done. Bill Jensen explained the engineer is hired with the plans being 70-75% complete for the three Streets. The engineer will inform us if new ditches or underground drainage is required. Mr. Schroeder asked are you saying this will be done next year. Bill Jensen feels if all lines up for the next fiscal year yes we will work on roads I can't give him an exact date. Mr. Schroder you are making us believes that it will be next spring. Bill Jensen stated we are working on the emergency work and will get this placed into the schedule. Mr. Schroeder expressed to Bill Jensen- you travel these roads every day you know what a mess they are. He mentioned last spring was the last time we received cold patch over there. There are three brand new houses and not one does the water run through a ditch – water just sits on lawns there no drainage. Trustee Allison explained we will widen Franklin Street and rebuild Franklin, Sherman and Kennedy Street, not resurface but rebuild. Question was asked when Willow is complete can residents use that road - yes you can after it's been paved. Mr. Schroder questioned what will be done this year with the loose stone on Kennedy. After a lengthy discussion Mr. Schroder and the other village residents thanked the Board for listening and will wait patiently for next spring. In the meantime Bill Jensen mentioned he will look into having Kennedy Ave. brush off. Chief Hulse will have the speed monitor over that way.

MOTION by Trustee Church, seconded by Trustee Reeve to authorize the annual Homecoming Parade on Saturday, September 13, 2014 at 11:00 AM. Parade route will travel down Keuka Street, Elm Street and Liberty Street and back to the Academy.

ADOPTED	Ayes 6	MacKerchar, Allison, Benedict, Church, Reeve, Stewart
	Nays 0	Abstain 0 Absent Christensen

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize the 3rd Annual St. Michael's School 5K Turkey Trot on Thursday November 27, 2014 at 8:30 AM. (New route)

ADOPTED	Ayes 6	MacKerchar, Allison, Benedict, Church, Reeve, Stewart
	Nays 0	Abstain 0 Absent Christensen

MOTION by Trustee Reeve, seconded by Trustee Benedict to authorize the approve Safe Harbors of the Finger Lakes to hold a walk on Saturday October 18th, 2014 starting at 6:30PM – 7:00PM. Walk with start and end at the Fire House.

Discussion: Chief Hulse is unsure if the Fire Department is aware of the event. Will need to check with the

Fire Chief. Trustee Church asked to have Motion amended to include as long as the Fire Department is in Approval for the use of the Fire House for the event.

Amended **MOTION** by Trustee Church, seconded by Trustee Reeve to authorize the approve Safe Harbors of the Finger Lakes to hold a walk on Saturday October 18th, 2014 starting at 6:30PM – 7:00PM. The walk will start and end at the Fire House. This will be approved as long as the Fire Department has approved the use of the Fire House for the event.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MAYOR:

Mayor MacKerchar mentioned we received a note from a resident thanking the Street crew for the hard work they have done on the sidewalk improvement program. They were professional should be proud of them.

ATTORNEY:

COMMUNITY REVITALIZATION:

None

MUNICIPAL:

MOTION by Trustee Allison, seconded by Trustee Benedict to authorize the replacement of Truck #6, a 55ft. aerial bucket truck (including the cab & chassis) to Altec in the amount of \$175,313.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Church to authorize to go out for bid on 6 – 50kVA pole top transformers to replenish our stock inventory.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Stewart to authorize the Mayor signs the contract renewal with Elliott Engineering Services for General Engineering Services during the 2014/15 fiscal year.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Church to authorize the Mayor signs the host agreement with KLA (Keuka Lake Association).

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Church to authorize to go out for bid on the needed equipment for the Composting Project at the WWTP.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Benedict to declare Car #2 as surplus and sell it on E-bay at a fair market price.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Allison, seconded by Trustee Stewart to accept the Payment Agreements in the amount of \$ 17,439.97.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

Trustee Allison mentioned the WWTP – the digester should be going on line in the next week or two. Building is about 60% complete, things are moving along.

FINANCE & ADMINISTRATION:

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

AUDIT:

	Amount:
Paid Before Audit:	
General	28,057.33
Electric	217,803.09
Sewer	7,500.35
Water	7,597.08
Capital Projects	
Total Paid Before Audit	\$ 260,957.85
Current Audit:	
General	\$ 90,087.74
Community Development - CRC	-
Electric	56,393.17
Sewer	62,668.86
Water	18,907.62
Capital Projects	29,586.53
Total Current Audit Items	\$ 257,643.92
TOTAL AUDIT	\$ 518,601.77

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee Benedict to authorize payment of 2014 invoices after final close of system - total amount \$252,546.11.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No 58-2014 Authorizing and Adopting Post Issuance Compliance policies and procedures related to the Village’s Tax-Exempt obligations, such policies and procedures intend to ensure that the requirements imposed upon the Village pursuant to the internal revenue code of 1986, as amended.

WHEREAS, the Village of Penn Yan, Yates County, New York (the “Village”) previously has issued bond and notes (the “Tax-Exempt Obligations”), the interest on which is excluded from gross income of the owners thereof pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the Village intends to issue additional series of Tax-Exempt Obligations in the future; and

WHEREAS, in order to ensure that that interest on Village’s Tax-Exempt Obligations will continue to be excluded from gross income of the owners thereof for purposes of federal income taxation, and that the Village complies with its tax certifications relating to the Tax-Exempt Obligations, the Board of Trustees has determined, based on the advice of the Village’s Bond Counsel, to adopt certain written Post-Issuance Compliance Policies and Procedures in the form attached hereto as Exhibit A and made a part hereof (the “Post-Issuance Compliance Procedures”).

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Penn Yan, Yates County, New York (the “Board”), as follows:

Section 1. The Board hereby approves and adopts the Post-Issuance Compliance Procedures.

Section 2. The Board hereby appoints the Village Treasurer to serve as the “Designated Tax Compliance Official” under the Post-Issuance Compliance Procedures and hereby authorizes and directs the Village Treasurer, acting in such capacity, to take such actions, after appropriate consultation with Bond Counsel to the Village, as the Village Treasurer deems necessary, appropriate or desirable to effect the implementation of the Post Issuance Compliance Procedures, and hereby further authorizes the Village Treasurer, as such Designated Tax Compliance Official, to delegate to such other Village officials or employees as the Village Treasurer shall determine is necessary or appropriate, the responsibility to take certain specific actions called for by the Post-Issuance Compliance Procedures.

Section 3. This Resolution shall take effect immediately.

Mayor MacKerchar called for a roll call vote:

Trustee Stewart	Aye	Mayor MacKerchar	Aye	Trustee Christensen	Absent
Trustee Benedict	Aye	Trustee Church	Aye		
Trustee Allison	Aye	Trustee Reeve	Aye		

ADOPTED

MOTION by Trustee Church, seconded by Trustee to authorize Resolution No. 59-2014 Budget Transfers for 2013-2014 Fiscal Year.

<u>TO:</u>				Fund
Account Id	Description		Date	Totals
A -5110-2-210	Street Maintenance-Asphalt Concrete	8,200		
A -5110-4-410	Street Maintenance-Contractual Services	40		
A -5110-4-415	Street Maintenance-Landscaping/Tree Removal	5,100		
E -0741-4-420	Operation-Overhead Dist	41,000		
ES-8130-4-400	Sewage Treatment-Engineering	300		
H-5110-2-220	Capital - Stone and Gravel	9,500		
		54,640		
			General	13,340
			Electric	41,000
			Sewer	300
			Water	-
			Capital	9,500
				64,140
FROM:				
A -5110-2-220	Street Maintenance-Stone & Gravel	9,340		
A -5110-2-260	Street Maintenance-Storm Sewer Maint.	2,000		
A -5110-2-270	Street Maintenance-Curbing & Fabric	2,000		
E -0741-1-100	Supervision/Engineering	38,000		
E -0741-4-440	Removing & Resetting Ln Trans	3,000		
ES-8130-4-450	Sewage Treatment-Computer Services	300		
H-5110-2-210	Capital Asphalt & Concrete	9,500		
		54,640		
			General	13,340
			Electric	41,000
			Sewer	300
			Water	-
			Capital	9,500
				64,140

Budget transfers necessary to allow for proper processing of open purchase orders in the final close of the financial system for fiscal year 2013-14.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee to authorize Resolution No. 60-2014 Budget Transfers for 2014-2015 Fiscal Year.

<u>TO:</u>				Fund
EW-8320-4-550	Pumping & Purification-Polyaluminum Chloride	5,000		
		5,000		
			General	-
			Electric	-
			Sewer	-
			Water	5,000

			-	<u>5,000</u>
FROM:				
EW-8320-4-530	Pumping & Purification-Floride	<u>5,000</u>		
		<u>5,000</u>		
			General	-
			Electric	-
			Sewer	-
			Water	<u>5,000</u>
				<u>5,000</u>

Budget transfer to accommodate higher required purchases of polyaluminum chloride due to turbidity of the lake.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee to authorize Resolution No. 61-2014 Budget Transfers for 2014-2015 Fiscal Year.

<u>TO:</u>				Fund
A -3120-4-520	Police-Weapons	<u>6,000</u>		
		<u>6,000</u>		
			General	6,000
			Electric	-
			Sewer	-
			Water	-
			-	<u>6,000</u>
FROM:				
A -9015-8-800	Employee Benefits-Police Retirement	<u>6,000</u>		
		<u>6,000</u>		
			General	6,000
			Electric	-
			Sewer	-
			Water	-
				<u>6,000</u>

Budget transfer will accommodate the purchase of new weapons for the Police department, with budget being moved from the Police retirement account which has excess budget based on latest NYS retirement systems estimates.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee Benedict to authorize Resolution No. 62-2014 Budget Transfers for 2014-2015 Fiscal Year.

<u>TO:</u>				Fund
ES-8120-4-400	Sanitary Sewer-Engineering	<u>2,500</u>		
		<u>2,500</u>		
			General	-
			Electric	-
			Sewer	2,500
			Water	-
			-	<u>2,500</u>
FROM:				
ES-8120-4-413	Sanitary Sewer-I&I Correction	<u>2,500</u>		
		<u>2,500</u>		
			General	-
			Electric	-
			Sewer	2,500
			Water	-
				<u>2,500</u>

Budget transfer needed to complete engineering of a sewer extension on McKinley Ave.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Church, seconded by Trustee to authorize Resolution No. 63-2014 Budget Transfers for 2014-2015 Fiscal Year.

<u>TO:</u>			Fund	
A -5110-4-400	Street Maintenance-Engineering	2,500		
		2,500		
			General	2,500
			Electric	-
			Sewer	-
			Water	-
			-	2,500
<u>FROM:</u>				
Account Id	Description	Date		
A -5110-4-410	Street Maintenance-Contractual Services	2,500		
		2,500		
			General	2,500
			Electric	-
			Sewer	-
			Water	-
				2,500

Budget transfer to accommodate engineering of the trash rack at the high school on Sucker Brook.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

PERSONNEL:

MOTION by Trustee Benedict, seconded by Trustee Church to accept Investigator Michael Donovan’s retirement, effective August 26, 2014.

Discussion: Trustee Benedict and Board Thank Investigator Donovan for his years of service with the Police Department and wishes him good luck.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Church to establish a temporary Part time Police Officer position.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

MOTION by Trustee Benedict, seconded by Trustee Church to amend Resolution No 32-2009 (Part time Village Employees Joining the Village of Penn Yan Group Health Care). Resolution No 64-2014 Part time Village Employees Joining the Village of Penn Yan Group Health Care to read.... Providing medical and/or dental insurance. (the only changes in the Resolution were made are **highlighted and underlined**)

WHEREAS, the Village of Penn Yan maintains a group health insurance program in which its full time employees are allowed to participate pursuant to various terms and conditions; and

WHEREAS, previously part time employees of the Village did not participate in said group health insurance programs; and

WHEREAS, there has been a request by a part time employee of the Village to participate in the group health insurance program at no cost to the Village;

NOW THEREFORE BE IT RESOLVED,

1. That part time employees of the Village of Penn Yan may henceforth participate in the Village Group Health Care Plan provided that such employee pays all of the premiums incurred with respect to **providing medical and/or dental insurance coverage** for such part time employee and/ or his family and that the Village of Penn Yan incur no expense incident to **providing medical and/or dental insurance** coverage to any such part time employee or his or her family member(s).

2. That premium payment rules and regulations, as set by the Village Clerk will apply.
3. That the Village Clerk is hereby authorized and directed to add this policy to the Employee Handbook of the Village of Penn Yan and to notify current part time employees of this policy.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

PUBLIC SAFETY:

MOTION by Trustee Benedict, seconded by Trustee Church to authorize the purchase of new weapons from Atlantic Tactical for \$5,471.14.

Discussion: Trustee Stewart questioned we have already transferred the money for this tonight. Trustee Church stated they will trade in the old weapons.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

POLICE DEPARTMENT:

FIRE DEPARTMENT:

Monthly Fire Department report

Year to Date Fire Department report

MOTION by Trustee Benedict, seconded by Trustee Church to authorize Eric Morelli be reactivated into membership in the Sheldon Hose Company effective July 30, 2014.

Discussion: Trustee Allison explained the new Fire Department by-laws have allowed members outside the district to become members. They first must be approved by the Fire Departments Board of Directors and approved by the Village Board. Mr. Morelli left in good standing. Trustee Allison asked the Motion be amend to include both Boards approved the membership.

Amend **MOTION** by Trustee Benedict, seconded by Trustee Church to authorize with the approval from the Fire Departments Board of Director and the Village Board that Eric Morelli who lives outside the district be reactivated into membership in the Sheldon Hose Company effective July 30, 2014,

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

CODE ENFORCEMENT:

MOTION by Trustee Allison, seconded by Trustee Church to authorize Bruce Lyon Code Enforcement to hire someone to mow Village resident 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.

114 Benham Street
330 and 332 East Elm Street

Discussion: Bruce Lyon mentioned these parcels are in foreclosure and are in the bank hands.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
Nays 0 Abstain 0 Absent Christensen

PUBLIC WORKS:

Trustee Allison stated the DPW has a full crew now – sidewalk improvement program is complete.

PARKS & RECREATION:

Trustee Stewart stated they are working on the Parks & Recreation section in the Village Code – Atty. Brockman doing updates.

PLANNING & DEVELOPMENT:

Trustee Reeve mentioned the Planning & Development Committee will be meeting quarterly now, unless something needs to be discussed before that time period.

PLANNING BOARD:

COMMENTS

Trustee Allison explained they have had another meeting with Jerusalem and another one is set up in September. He mentioned the Microtel is expected to be opened by May 1 2015.

Trustee Stewart asked if the Board could get a copy of the Fire Department by-laws to have on hand in case a question arises and need to look something up.

Trustee Allison mentioned a debris notice was in the paper asking residents to please not place any debris out by curb and if already there to please remove until Fall pickup.

ADJOURNMENT:

At 6:46 PM, **MOTION** by Trustee Allison, seconded by Trustee Church to adjourn the regular Village Board meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Church, Reeve, Stewart
 Nays 0 Abstain 0 Absent Christensen

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: