

**Organizational Meeting  
Village Board of Trustees  
April 5, 2021 - 5:00 PM  
Village Hall, 111 Elm Street, Room 202**

**MINUTES** of the *Organizational Meeting* of the Village Board of Trustees held on Monday, afternoon April 5, 2021 at 5:00 PM in the Village Hall, Room 202

**PRESENT:** Mayor MacKerchar; Trustees D. Condella; T. Hoban; R. Spencer; R. Stewart; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling; Director of Public Works T. Schwartz; Deputy Director of Public Works M. Gerhardt

**Absent:** Trustees K. McLoud, Atty. Ed Brockman; Police Chief T. Dunham; CEO J. Kincaid; Fire Chief F. Ellis

**News Media; None**

**Public: None**

At 5:00PM Mayor called the meeting to order

Pledge Allegiance to the Flag

Mayor MacKerchar explained he would be reading each motion from number 3 through 30 and will have one blanket motion to cover them all.

3. Set the time and place of the Regular Meetings of the Board of Trustees One (1) meeting held each month on the Third Tuesday, at 6:00PM, in the Village Hall, 111 Elm Street, and Main Board Room
4. Set the time of the 2022 Organizational Meeting- Official year begins at noon on the first Monday in April. **April 4, 2022 at 5:00PM**
5. Designate depository banks for Village funds **Lyons National Bank**
6. Designate official newspapers for the publication of notices relating to local laws and other notices and actions of the Board of Trustees required by law to be advertised  
**Chronicle Express**
7. Re-Appoint **David Grace** as Acting Village Justice, in the absence of Justice Christensen during the year *(1- year term 2022)*
8. Re-appoint **Attorney Edward J. Brockman, Esq.** as the Village Attorney *(1- year term 2022)*
9. Re-appoint **Frances Dumas** as the Village Historian *(1-year term 2022)*
10. Appoint **Ray Spencer** to fill unexpired term as a (CRC) Community Revitalization Committee Member *(1- year term 2022)*
11. Re-appoint **Marcia Kneeland** as a members to the Historic Preservation Commission Board as Alternate *(1- year term 2022)*
12. Appoint **Marla Hedworth** as a new member to the Historic Preservation Commission Board as Alternate *(1- year term 2022)*
13. Re-appoint **Rich Stewart** as “liaison” to the Historic Preservation Commission. *(1-year term 2022)*
14. Re-appoint **Romulus J. French** as a member to the Municipal Utilities Board *(3 -year term 2024)*

15. Re-appoint **Romulus J. French** as Chair and **Daniel Banach** as Vice Chair to Municipal Utilities Board. (1-year term 2022)
16. Appoint **Kevin McLoud** as “liaison” to the Municipal Utilities Board. (1-year term 2022)
17. Re-appoint **Sarah Vestal** as a member to the Planning Board (5-year term 2026)
18. Re-appoint **Stan Olevnik** -Chair and **Jean D’Abbracci** -Vice Chair to Planning Board (1-year term 2022)
19. Re-Appoint **Michael Clancy** as a member to the Planning Board as Alternate Member (1- year term 2022)
20. Appoint **Larry Strickland** as a new member to the Planning Board as Alternate Member (1- year term 2022)
21. Appoint **Raymond Spencer** as “liaison” to the Penn Yan Planning Board. (1-year term 2022)
22. Re-appoint **Steven Owens** as Chair to the Zoning Board of Appeals. (1-year term 2022)
23. Re-appoint **Barbara Stewart** as a member to the Zoning Board of Appeals (5-year term 2026)
24. Appoint **Jeff Francis** as a new member to the Zoning Board of Appeals as Alternate Member (1-year term)
25. Re-Appoint **Kevin McLoud** as the “liaison” to the Penn Yan Zoning Board of Appeals (1-year term 2022)
26. Re-appoint **Rich Stewart** Equal Opportunity Coordinator (1 year-term 2022)
27. Re-appoint **Rich Stewart** Village Representative Alternate Member of the Keuka Lake Watershed Committee and the Keuka Lake Outlet Compact (1- year term 2022)
28. Re-appoint **Rich Stewart** Village American Disabilities Act Officer (1- year term 2022)
29. Re-appoint **Dan Condella** Village Representative to the Yates County Youth Board (1- year term 2022)
30. Re-appoint **Romulus French** Chair of the Labor/Management & Joint Safety (1-year term 2022)

**MOTION** by Trustee Spencer, second by Trustee Condella to approve all the recommended Village appointments for 2021.

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

Mayor's appointment of Chair's, Vice Chairs, and Members of Standing Committees of the Village Board of Trustees (No Board Vote)

Mayor MacKerchar appointed **Norm Koek** to fill the unexpired term as Trustee for a one- year term.

Yearly Organizational meeting Monday April 5, 2021

(1- year term 2022)

Norm Koek will be sworn in at the April 20<sup>th</sup> Village Board meeting. He is out of town at present time.

Mayor MacKerchar appointed Trustee **Dan Condella** as Deputy Mayor.

**Administration**

- 1. Teresa Hoban, Chair
- 2. Ray Spencer, Co- Chair
- 3. Norm Koek

**Planning & Development**

- 1. Rich Stewart, Chair
- 2. Kevin McLoud
- 3. Ray Spencer

**Public Safety**

- 1. Dan Condella, Chair
- 2. Rich Stewart
- 3. Norm Koek

**Public Works**

- 1. Kevin McLoud, Chair
- 2. Dan Condella
- 3. Teresa Hoban

At 5:06 PM, **MOTION** by Trustee Spencer, seconded by Trustee Condella, to adjourn the *Organizational* meeting.

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

At 5:07 PM, **MOTION** by Trustee Condella, seconded by Trustee Hoban to open up Special Village Board Meeting

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

**5:00 PM PUBLIC HEARING - Tentative Budget 2021-2022**

At 5:08 PM **MOTION** by Trustee Spencer, second by Trustee Hoban to open Public Hearing.

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

Mayor asked if anyone had any concerns or questions regarding the Tentative Budget. Gary mentioned he had made the adjustments that were discussed at the Budget Workshop. Tax increase was at 12% and now at 6%. If no questions will work on the Municipal Utilities Budgets. Should have ready for review at our Village Board meeting on April 20<sup>th</sup>.

At 5:09 PM **MOTION** by Trustee Spencer, second by Trustee Condella to close Public Hearing.

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

**MOTION** by Trustee Condella, second by Trustee Spencer to authorize Resolution No 18 - 2021 regarding advance Payment of Claims.

**“WHEREAS** the Board of Trustees of the Village of Penn Yan has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges and healthcare premiums; and

**WHEREAS** all such claims must be presented at the next regular meeting for audit; and

**WHEREAS** the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the board of trustees disallows.

**NOW THEREFORE BE IT RESOLVED:**

1. The Board of Trustees of the Village of Penn Yan authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows.

2. This resolution is effective immediately.”

Discussion- no change

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

**MOTION** by Trustee Stewart, second by Trustee Condella to authorize Resolution No 19 - 2021 Procurement Policy

**WHEREAS**, General Municipal law (GML) §104-b requires every municipality to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law; and

**WHEREAS** the Board of Trustees of the Village of Penn Yan has reviewed the within proposed procurement policy; and

**NOW THEREFORE BE IT RESOLVED:**

1. The Board of Trustees of the Village of Penn Yan does hereby adopt the following procurement policies and procedures.

2. This resolution is effective immediately.”

#### **Procurement Policy**

##### **Purpose**

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers; to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, the governing board is adopting an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

##### **Procedures for Determining Whether Procurements are Subject to Bidding**

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure:

1. Purchase Contract above \$20,000\*. Purchase Contract – procurement of commodities (e.g. equipment, materials, supplies) Minor service aspect; significant purchase aspect.
2. Contract for public work above \$35,000\*. Public Works Contract – contracts from services labor or construction. Minor purchase aspect; significant service aspect.

If it is difficult to determine which bid limit applies, refer to the municipal official (Clerk-Treasurer) (\*reasonably anticipated aggregate amount of similar goods in a fiscal year)

B. Documentation: written quotations or proposals.

Please Note: All competitive bids require a public notice in all official newspapers and a Non-Collusive Bidding Certificate – See Bid Procedures List

##### **Statutory Exceptions from Policy and Procedures**

Except for procurements made pursuant to General Municipal Law, § 103(3) (through county contracts) or § 104 (through State contracts), State Finance Law, § 162, Correction Law, § 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

- A. Emergencies – unanticipated and threaten the health, safety, or welfare of the Village of Penn Yan’s property or residents. (still work to obtain the lowest cost available)
- B. Professional Services – service that requires special skill and expertise
- C. **State, County and Other public sector Contracts (such as National Joint Power Alliance - NJPA)**
- D. Surplus and secondhand materials and equipment from other governments
- E. Leases and Licenses/Concessions
- F. Sole Source – good or service is in the public interest and available from only one possible source for which there is no equivalent; demonstrate the unique benefits arising from the particular good or service as compared to different good or service, that no other provides substantially similar benefits and that the cost is reasonable.
- G. Installment Purchase Contracts

##### **Methods of Completion for Non-Bid Procurement**

The methods of procurement to be used are as follows:

- A. County Contracts
- B. Emergencies
- C. Professional Service
- D. Insurance
- E. Secondhand equipment from other governments
- F. **Other public sector contracts (such as National Joint Power Alliance - NJPA)**

**Adequate Documentation**

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. \$1,000 to \$5,000: two verbal quotes
- B. \$5,001 to \$20,000 (\$35,000 Public Work Contracts): three written quotes

**Awards to Other than the Lowest Responsible Dollar Offered**

Whenever any contract is awarded to other than the lowest responsible dollar offered, the reasons that such an award furthers the purpose of General Municipal Law, section 104-b, as set forth herein above, shall be documented as follows:

- A. There must be documentation and justification of the reason why the purchase is in the best interest of the Village of Penn Yan.

**Items Excepted From This Policy and Procedures by the Board**

The board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the Village of Penn Yan.

- A. Emergencies
- B. Small procurement under \$1,000
- C. Local Contractor Preferential Treatment - Goods and Services not subject to bidding requirements or Goods and Services less than \$20,000 and Public Works Contract less than \$35,000, preferential treatment may be given to local contractors within the best interest of the municipality
- D. The Village of Penn Yan encourages businesses owned or managed by women or minorities to provide proposals and/or quotations.
- E. In the event the purchaser has made a good faith effort to obtain the required number of proposals or quotations and is unable to meet the requirement, the purchaser shall document the attempt(s)

**Input from Officers**

Comments concerning the policies and procedures shall be solicited from officers of the Village of Penn Yan therein involved in the procurement process prior to the enactment of policies and procedures, and will be solicited from time to time hereafter.

**Annual Review**

The Village Board shall annually review these policies and procedures. The mayor shall be responsible for conducting and annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. Recommend to include in the Organizational Meeting on the first Monday in April of each year.

**Unintentional Failure to Comply**

The unintentional failure to fully comply with the provisions of General Municipal Law § 104-b shall not be grounds to void action taken or give rise to a cause of action against the municipality any officer or employee thereof.

**Individual(s) Responsible for Purchasing**

- Gary Meeks, Clerk-Treasurer
- Holly Easling, Deputy Clerk-Treasurer
- Tom Dunham, Police Chief
- Thomas Schwartz, Director of Public Works
- Melissa Gerhardt, Deputy Director of Public Works
- Tim Marcellus, Working Supervisor of Streets Department
- Charlie Bush, Electric Superintendent, Electric Line Crew Chief
- Ron Keech, Water/Sewer Maintenance Supervisor
- Dave Cohick, Water Treatment Plant Chief Operator
- Yvonne Tucker, Wastewater Treatment Plant Chief Operator
- Dan Doyle, Recreation & Facility Director
- Jeff Bergstresser, Building Maintenance Mechanic
- Jamie Kincaid, Code Enforcement Officer
- Lynn Axtell, Building Maintenance Mechanic
- Sonja Fredenburg, Account Clerk Typist
- PY Fire Chiefs, Penn Yan Fire Department
- Emily Hoover, Keyboard Specialist

The individuals listed above are authorized to submit purchase order requests for goods and/or services. Those same individuals, or their designee, are also responsible for the acceptance or refusal of said goods and/or services.

Discussion - no changes

**ADOPTED** Ayes 5 MacKerchar, Condella, Hoban, Spencer, Stewart

Nays 0 Abstain 0 Absent McCloud

**MOTION** by Trustee Condella, second by Trustee Hoban to authorize Resolution No 20 - 2021 Yearly Meeting, Conferences, Training and Workshops for Penn Yan Village Board and Village employees.

**WHEREAS** there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks; c) the New York State Conference of Mayors Public Works School, d) the following county association meetings; etc.; and

**WHEREAS** attendance by certain municipal officers and employees at one or more of these meetings, conference or school benefits the Village of Penn Yan

**NOW THEREFORE BE IT RESOLVED:**

Section 1. That the following officers and employees are authorized to attend the following schools:

| <u>TITLE</u>  | <u># of employees</u> | <u>LOCATION</u> |
|---|-----------------------|-----------------|
| • MEUA Spring Engineering workshop                  | 5 employees           | East Syracuse   |
| • FLWWC Annual Business meeting<br>(WTP/WWTP)       | 7 employees           | Geneva          |
| • Equipment/Tech show                               | 25 employees          | Rochester       |
| • Hard Hat Expo (free)                              | 6 employees           | Syracuse        |
| • NYWEA meeting                                     | 2 employees           | Rochester       |
| • MEUA Semi-Annual spring meeting                   | 5 employees           | East Syracuse   |
| • FLWWC Spring meeting                              | 7 employees           | Watkins Glen    |
| • NYAWWA Water Event & Expo<br>(WTP)                | 1 employee            | TBD             |
| • NYRWA Annual Technical Conference<br>(WTP/WWTP)   | 3 employee            | TBD             |
| • NYMPA Annual meeting                              | 3 employees           | East Syracuse   |
| • Cornell Local Roads                               | 4 employee            | TBD             |
| • FLWWC Spring Workshop<br>(WTP/WWTP)               | 7 employees           | TBD             |
| • FLWW Summer meeting<br>field<br>(WTP/WWTP)        | 20 employees          | PY Fireman’s    |
| • IEEP Annual meeting                               | 2 employees           | East Syracuse   |
| • NYPA- Semi- Annual meeting                        | 3 employees           | East Syracuse   |
| • NYCOM Public Works Training                       | 2 Employees           | TBD             |
| • NYCOM – Village<br>Springs                        | 3 employees           | Saratoga        |
| • MEUA Fall Engineering Workshop                    | 5 employees           | East Syracuse   |
| • FLWWC Winter meeting<br>(WTP/WWTP)                | 7 employees           | Waterloo        |
| • NYWEA Winter meeting                              | 3 employees           | Canandaigua     |
| • MEUA Annual Conference                            | 2 employees           | TBD             |
| • AWWA TIFFT Symposium                              | 2 employees           | Liverpool       |
| • MEUA Engineering/Accounting &<br>Finance workshop | 3 employees           | East Syracuse   |
| • ZBA Training (Spring or Fall Seminar)             | 6 members             | TBD             |
| • Planning Board (Spring or Fall Seminar)           | 7 members             | TBD             |
| • Historic Commission                               | 6 members             | TBD             |

Section 2. That this resolution is effective immediately.

Section 3. This list approves all possibilities but subject to change.

Section 4. That monies for training, schooling, conferences etc. is available in the budget.

**ADOPTED** Ayes 5 MacKerchar, Condella, Hoban, Spencer, Stewart  
Nays 0 Abstain 0 Absent McCloud

**MOTION BY** Trustee Spencer, seconded by Trustee Condella to authorize Resolution No 21-2021 Determination of Best Value with Respect to Quotations for Replacement or Rehabilitation of Rotating Bio Contractors (RBC) System in the Village Wastewater Treatment Plant

**WHEREAS**, the Village of Penn Yan owns and operates a Wastewater Treatment Plant as part of its Village Public Works; and

**WHEREAS**, a system of rotating bio contactors (RBCs) is utilized as a component of the wastewater treatment process; and

**WHEREAS**, based upon advice from the staff of the Wastewater Treatment Plant, as well as the Village Engineer, repairs and rehabilitation or replacement of six (6) of the 16 RBC units is necessary on an expedited basis to reduce to possibility of major failure of the RBC system; and

**WHEREAS**, such a major failure would jeopardize the operation of the Wastewater Treatment Plant; and

**WHEREAS**, the Village Department of Public Works has obtained several quotes for repair and rehabilitation or replacement of RBC system components that are in poor condition; and

**WHEREAS**, a summary of those six (6) quotes is attached hereto and made a part hereof by reference; and

**WHEREAS**, the quote from Koester Associates, Inc. located at 3101 Seneca Turnpike Canastota, NY for \$1,294,500.00 includes not only the media and bearings replacement, but covers replacement of the entire RBC unit, including the shaft, load cells (which are now required by DEC), variable frequency drives (VFDs, which reduce energy consumption), motors, gearboxes and labor. Although removal of concrete roof panels would be required for insertion of the six (6) complete RBC units, Koester will provide removal and reinstallation of the rubber roof membrane and concrete panels at additional cost of \$136,600 and the entire project will be completed in substantially less time than the Repair in Place options. Total Project cost is \$1,431,100.00

**WHEREAS**, the other five (5) quotes include only the media, bearings and labor, would require use of the old existing components (shaft, motor and gearbox) and would not include the DEC required loadcells or the VFDs; and

**WHEREAS**, the five (5) quotes for the media and bearings replacement would require four (4) to six (6) months, including a lengthy “kill” time for the media; and

**WHEREAS**, replacement of the media and bearings only would require disposal by the Village of the hundreds of media pieces, which could be several thousands of dollars by use of roll-offs; and

**WHEREAS**, not replacing the six (6) shafts and other components of the RBC units may most likely mean repair or replacement of those components in the not too distant further; and

**WHEREAS**, Section 103 of the General Municipal Law of the State of New York authorizes municipalities to enact a local law permitting the award of purchase contracts on the basis of best value to a responsible offer; and

**WHEREAS**, the Village previously adopted such a Local Law, as Article I, “Award of Contracts on Basis of Best Value” of Chapter 25 of the Village Code, which authorizes the Board of Trustees to award purchase contracts to a responsible offeror based upon best value, which Local Law remains in full force and effect as of the date hereof; and

**WHEREAS**, the Board of Trustees intends to act as “Lead Agency” with respect to any SEQR issues related hereto.

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Board of Trustees of the Village of Penn Yan designates itself as “Lead Agency” with respect to SEQR issues related to this action and finds that the repair and rehabilitation of the Rotating Bio Contactors (RBC) system in the Village Wastewater Treatment Plant consists of “Replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site...” as set out in 6NYCRR617.5.(c)(2) of the SEQR Regulations and that the action does not exceed any of the thresholds set out in 6NYCRR617.4 of the SEQR Regulations. Therefore, the Board of Trustees declares this to be a “Type II” action and accordingly no SEQR review of this action will be necessitated.
2. Based upon the various quotes for replacement of only the media and bearings with the labor for same compared to the quote from Koester Associates, Inc. for replacement of the six (6) entire RBC units, plus the new drive assemblies, motors, electric load cells and VFDs, the quote provided by Koester Associates, Inc. is determined to be the “best value” of all six (6) quotes for the need rehabilitation of the RBC system.
3. Accordingly, the contract for replacement of the six (6) RBC units with accessory components as specified above is awarded to Koester at the quoted price of \$1,294,500.00, plus \$136,600.00 for the removal of the three roof panels and replacement thereof.

4. The Village Mayor and Village Treasurer are authorized and directed to execute such documents and expend such sums as are required to implement the RBC repair and rehabilitation project.

Discussion: 14-18 week lead time for delivery in July and work done in August. Will be 6 days to install.

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

**MOTION** by Trustee Spencer, second by Trustee Condella to declare as surplus the 2009 Water/Sewer truck # 9 and sell at Auction International.

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

**OTHER COMMENTS or VILLAGE BUSINESS:**

**ADJOURNMENT:**

At 5:15 PM **MOTION** by Trustee Condella, seconded by Trustee Spencer to adjourned from Special Village Board Meeting.

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