

MINUTES of the *Organizational Meeting* of the Village Board of Trustees held on Monday, afternoon September 21, 2020 at 3:00 PM in the Village Hall, Room 202, streamed via Zoom

PRESENT: Mayor MacKerchar; Trustees C. Benedict; D. Condella; R. Spencer; R. Stewart; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling; Police Chief T. Dunham; Director of Public Works T. Schwartz

Absent: Trustees K. McLoud, T. Hoban; Atty. Ed Brockman; Deputy Director of Public Works TBD; CEO B. Lyon; Fire Chief F. Ellis

News Media; None

Public: None

At 3:00PM Mayor called the meeting to order

Pledge Allegiance to the Flag

Mayor MacKerchar mentioned with regret there's one re-appointment he is unable to make today. Mike Willis passed away this past week. Mike has done a lot for the Village over the years, He was on the original recreational commission, was instrumental in getting steps from Main Street down to the Outlet Trail. He will be missed.

Mayor MacKerchar explained he would be reading each motion from number 3 through 36 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 2021 Organizational Meeting- Official year begins at noon on the first Monday in April. April 5, 2021 at 5:00PM
5. Designate depository banks for Village funds Lyons National Bank
6. Designate Chronicle Express as the 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
7. Re-appoint David Grace as Acting Village Justice, in the absence of Justice Christensen during the year for a 1-year term (2021).
8. Re- appoint Village Clerk/Treasurer Gary Meeks and Deputy Clerk/Treasurer Holly Easling for a 2-year term (2022).
9. Re- appoint Village Deputy Clerks Robin Morse and Mary Ann Martin for a 2- year term (2022).
10. Re-appoint Registrar Robin Morse and Deputy Registrar Mary Ann Martin for a 2- year term (2022)
11. Appoint Sub-Registrar Mary "Katie" Tomlinson for a 2-year term. (2022)
12. Re-appoint Village Attorney Edward J. Brockman, Esq. for a 1- year term. (2021)
13. Re-appoint Village Health Officer Dr. Eleanor DeWitt for a 4 -year term (2024)
14. Re-appoint Code Enforcement Officer Bruce Lyon
15. Provisional appointment as Deputy Code Enforcement Officer Jamie Kincaid for a 2- year term. (2022)
16. Re-appoint as the Village Historian Frances Dumas for a 1-year term. (2021)
17. Re-appoint members to the Historic Preservation Commission Board as Alternate Member Marcia Kneeland (1- year term 2021) and one vacant
18. Re-appoint Rich Stewart "liaison" to the Historic Preservation Commission for a 1-year term. (2021)
19. Re-appoint to Municipal Utilities Board Daniel Banach, David Payne, Ray Hamilton for a 3-year term. (2023)
20. Re-appoint Chair Romulus J. French- Chair and Vice Chair Daniel Banach - Vice Chair to Municipal Utilities Board for a 1-year term. (2021)
21. Appoint Kevin McLoud as "liaison" to the Municipal Utilities Board for 1-year term. (2021)

- 22. Re-appoint member Stan Olevnik to the Planning Board for a 5-year term. (2025)
- 23. Appoint new member Sarah Purdy to the Planning Board for a 5- year term. (2025)
- 24. Re-appoint Stan Olevnik as Chair and Jean D’Abbracci to Vice Chair to Planning Board for a 1-year term. (2021)
- 25. Re-Appoint member Michael Clancy to the Planning Board as Alternate Member for a 1- year term. (2021)
- 26. Appoint Raymond Spencer as “liaison” to the Penn Yan Planning Board for a 1-year term. (2021)
- 27. Re-appoint Steven Owens as Chair to the Zoning Board of Appeals for a *1-year term. (2021)*
- 28. Re-appoint member Arthur Pike to the Zoning Board of Appeals for a 5-year term. (2025)
- 29. Appoint member to the Zoning Board of Appeals as Alternate Member is vacant at this time. (1-year term)
- 30. Re-Appoint Kevin McCloud as “liaison” to the Penn Yan Zoning Board of Appeals for a 1-year term. (2021)
- 31. Re-Appoint members Leigh MacKerchar and Stephen Griffin to the CRC (Community Revitalization Committee) for a 3 year- term. (2023)
- 32. Re-appoint Rich Stewart as Equal Opportunity Coordinator for a 1 year-term. (2021)
- 33. Re-appoint Rich Stewart as Village Representative Alternate Member of the Keuka Lake Watershed Committee and the Keuka Lake Outlet Compact for a *1- year term. (2021)*
- 34. Re-appoint Rich Stewart as Village American Disabilities Act Officer for a 1- year term. (2021)
- 35. Re-appoint Dan Condella as Village Representative to the Yates County Youth Board for a *1- year term. (2021)*
- 36. Re-appoint Romulus French as Chair of the Labor/Management & Joint Safety for a 1-year term. (2021)

MOTION by Trustee Condella, second by Trustee Benedict to authorize all the appointment’s and re-appointment’s for number 3 – 36.

Mayor asked for a Roll Call vote

Roll a call		
Mr. Spencer	Yes	Mrs. Benedict Yes
Mr. McCloud	Absent	Mr. Stewart Yes
		Mr. Condella Yes
		Dr. Hoban Absent
		Carried

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

Mayor appointed Trustee Dan Condella as Deputy Mayor.

Administration

- 1. Carolyn Benedict, Chair
- 2. Rich Stewart
- 3. Ray Spencer

Planning & Development

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

Public Safety

1. Dan Condella, Chair
2. Carolyn Benedict
3. Teresa Hoban

Public Works

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

At 3:09 PM, **MOTION** by Trustee Ray Spencer, seconded by Trustee Rich Stewart, to adjourn the *Organizational* meeting.

Mayor asked for a Roll Call vote

Roll a call					
Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Absent	Mr. Stewart	Yes	Dr. Hoban	Absent
					Carried

At 3:10 PM, **MOTION** by Trustee Carolyn Benedict, seconded by

Trustee Dan Condella to open up Special Village Board Meeting

Mayor asked for a Roll Call vote

Roll a call					
Mr. Spencer	Yes	Mrs. Benedict	Yes	Mr. Condella	Yes
Mr. McLoud	Absent s	Mr. Stewart	Yes	Dr. Hoban	Absent
					Carried

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize Resolution No 50 - 2020 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.”

Roll Call

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

MOTION by Trustee Benedict, second by Trustee Spencer to authorize Resolution No 51 - 2020 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
- TBD, Deputy Director of Public Works
- Tim Marcellus, Working Supervisor of Streets Department
- TBD, 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
- Bruce Lyon or Jamie Kincaid, Code Enforcement Officer
- Lynn Axtell, Building Maintenance Mechanic
- Sonja Fredenburg, Account Clerk Typist
- PY Fire Chiefs, Penn Yan Fire Department
- Chey Bradley, Senior Typist Public Works Department

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.

Roll Call

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

Carried

MOTION by Trustee Condella, second by Trustee Spencer to authorize Resolution No 52 - 2020 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 Syracuse	5 employees	East
• FLWWC Annual Business meeting (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 1 employee TBD
(WTP)
- NYRWA Annual Technical Conference 3 employee TBD
(WTP/WWTP)
- NYMPA Annual meeting 3 employees East
Syracuse
- Cornell Local Roads 4 employee TBD
- FLWWC Spring Workshop 7 employees TBD
(WTP/WWTP)
- FLWW Summer meeting 20 employees PY
Fireman’s field
(WTP/WWTP)
- IEEP Annual meeting 2 employees East
Syracuse
- NYPA- Semi- Annual meeting 3 employees East Syracuse
- NYCOM Public Works Training 2 Employees TBD
- NYCOM – Village 3 employees Saratoga
Springs
- MEUA Fall Engineering Workshop 5 employees East Syracuse
- Cornell Local Roads 4 employees TBD
- FLWWC Winter meeting 7 employees Waterloo
(WTP/WWTP)
- NYWEA Winter meeting 3 employees Canandaigua
- MEUA Annual Conference 2 employees TBD
- AWWA TIFFT Symposium 2 employees Liverpool
- MEUA Engineering/Accounting & 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.

Roll Call

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

MOTION by Trustee Stewart, seconded by Trustee Spencer to authorize Resolution No 53 - 2020 Fair Housing Plan – the Director of Keuka Housing will be the fair housing officer.

WHEREAS: Federal and New York State Law prohibit discrimination in the sale, rental and financing of housing on the basis of race/color, age, creed, gender, national origin, familial status, marital status, military status, handicap and sexual orientation as groups that need to be protected from discrimination.

The Village of Penn Yan participates in the HUD Community Development Block Grant Program.

The community development Block Grant Program requires that each participating community take specific affirmative action’s to further fair housing.

PROVISIONS OF THE PLAN

The Chief Elected Official has designated the Director of Keuka Housing as the fair housing officer to be responsible for implementing this plan.

The fair housing officer is charged with the following responsibilities:

1. Become knowledgeable in the fair housing provisions of Federal, State, and Local Laws.
2. Conduct an analysis of barriers to equal housing opportunity, (as per 24CFR570.904).
3. Develop a strategy to overcome any barriers.
4. Review local policy for its impact on housing choice.

- 5. Compile Fair Housing information and make it available to any interested persons.
- 6. Disseminate information and answer questions relating to fair housing laws.
- 7. Assist aggrieved persons.
- 8. Refer discrimination complaints to appropriate Federal or State Agencies.
- 9. Maintain a record of actions taken pursuant to this plan.

This plan and related documents shall be posted at: Bulletin Board and Village Web site

Roll Call

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

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize the Annual Scarecrow event sponsored by The Yates County Chamber of Commerce. Asking to have them placed on the lampposts by October 1 and removed by November 5th.

Roll Call

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

OTHER COMMENTS or VILLAGE BUSINESS:

EXECUTIVE SESSION:

At 3:15 PM **MOTION** by Trustee Benedict, seconded by Trustee Spencer to adjourn from Special Village Board Meeting and enter into Executive Session

Roll Call

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

ADJOURNMENT OF EXECUTIVE SESSION:

At 3:21 PM, **MOTION** by Trustee Spencer, seconded by Trustee Benedict to leave Executive Session and return to the Special Village Meeting.

Roll Call

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

ADJOURNMENT:

At 3:23 PM, **MOTION** by Trustee Spencer, seconded by Trustee Benedict to adjourn the regular Village Board meeting.

Roll Call

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

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: