

**MINUTES** of a Special Meeting of the Village Board of Trustees held Thursday, March 4, 2021 at 9:00AM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527 (streamed via Zoom)

**PRESENT:** Mayor L MacKerchar; Trustees C. Benedict; D. Condella; T Hoban; K. McLoud; R. Spencer; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling; Director of Public Works T. Schwartz; Deputy Director of Public Works M. Gerhardt

**ABSENT:** Trustee R. Stewart; Police Chief T. Dunham; CEO J. Kincaid; Fire Chief F. Ellis

**News Media present:**

**PUBLIC:** None

Mayor MacKerchar called the Special Village Board meeting to order at 9:00 AM

**9:00 AM PUBLIC HEARING** - CDBG Grant (Community Development Block Grant)

At 9:01 AM **MOTION** by Trustee Condella, seconded by Trustee Hoban to open the Public Hearing.

Mayor asked for a Roll call

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart

Mayor asked if there were any questions or comments regarding the CDBG Grant.

Director of Public Works Tom Schwartz read the following to help explain why we are in the need.

Project Description. Concisely describe the project, indicating the location, what will be planned, designed, acquired, and/or constructed, the issues/opportunities to be addressed, and expected outcomes and deliverables. Additional details will be collected later in the application process.

Keuka Lake is the sole water supply for the Village of Penn Yan, and currently experiences algae blooms resulting in microcystins in the raw water. Adverse impact on the water treatment plant due to these blooms could be harmful to the consumer and result in significant and extended water supply issues. A study is desired to develop immediate and long- term plans for updating the Village's water treatment plant to adequately treat future blooms that exceed health advisory levels and ensure the water is free from Cyanobacteria, cyanotoxins, and elevated trihalomethane levels. The proposed Village of Penn Yan WTP Study includes an alternative analysis and development of a Preliminary Engineering Report focused on the following: 1) Alternative filtration methods, 2) Tertiary treatment alternatives. 3) Alternative disinfection methods. The study shall consist of working with the Village to evaluate the existing treatment processes, identify system shortcomings, provide improvement options with supporting cost estimates, develop a Preliminary Engineering Report summarizing findings, and determine how potential improvements shall be implemented on a long-term scale.

Statement of Need

Due to the water treatment plant's intake location in Keuka Lake, there is a high level of microcystins in the raw water. Current treatment results in high levels of disinfection by-product (several water system customers including the Village of Dresden, Town of Jerusalem, Town of Milo and Town of Pulteney experience elevated levels of total trihalomethanes). The Village's 2019 Water Quality Report found "an elevated susceptibility to contamination for this source of drinking water, ... elevated potential for phosphorus, DBP (disinfection by-products) precursor and pesticide contamination". The village proposes this Study to investigate modifications to the water treatment plant to minimize or eliminate the potential impact of blue green algae to the system. The Penn Yan water system serves a population of approximately 10,947 residents.

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Mayor asked if there were any other questions.

At 9:06 AM **MOTION** by Trustee McLoud, seconded by Trustee Spencer to Close the Public Hearing

Mayor asked for a roll call vote

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart

Atty. Brockman read Resolution No 16-2021 Village Wastewater Treatment Plant Upgrades – SEQRA Issues and Authorization for Mayor To Make Grant Applications and Execute Upgrade Contracts Upon Conditions of Approval and Compliance in full.

**WHEREAS**, the Village of Penn Yan operates a Waste Water Treatment Plant (WWTP), and;

**WHEREAS**, the Village of Penn Yan is planning to upgrade the WWTP; and

**WHEREAS**, the upgrades will improve the operation of the WWTP and comply with the New York State Department of Environmental Conservation’s (NYSDEC) new SPDES effluent discharge requirements pertaining to water quality; and

**WHEREAS**, the upgrades will not increase the capacity of the WWTP; and

**WHEREAS**, the upgrades will not involve any substantial changes to the existing site, facility or land use; and

**WHEREAS**, the Village intends to apply for any available grants related to the costs of the WWTP upgrades and to enter into such contracts as are requisite for such upgrades; and

**WHEREAS**, the Board of Trustees intends to address the National Environmental Policy Act (NEPA) and the State Environmental Quality Review Act (SEQRA) process relative to this project; and

**WHEREAS**, under NEPA, 40 CFR 1508.4 and 1507.3 addresses “Categorical Exclusions” (CE); and

**WHEREAS**, the Environmental Protection Agency’s “Categorical Exclusions” listing contains:

§6.204(a)(1)(ii) “Actions relating to existing infrastructure systems (such as sewer systems; drinking water supply systems; and stormwater systems, including combined sewer overflow systems) that involve minor upgrading, or minor expansion of system capacity or rehabilitation (including functional replacement) of the existing system or system components (such as the sewer collection network and treatment system; the system to collect, treat, store and distribute drinking water; and stormwater systems, including combined sewer overflow systems) or construction of new minor ancillary facilities adjacent to or on the same property as existing facilities...”; and

**WHEREAS**, under SEQRA, 6NYCRR Part 617.5 provides that the following are “Type II” actions: §617.(c)(1) “maintenance or repair involving no substantial changes in an existing structure or facility:”

§617.5(c)(2) “replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site...” (Please note – disinfection previously existed at the WWTP);

§617.5 (c)(9) “construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities”; and

**WHEREAS**, the Board of Trustees intends to act as “Lead Agency” for the purpose of the SEQRA determination; and

**WHEREAS**, the Village of Penn Yan is submitting a grant application which, if approved, will be used for upgrading the WWTP as required by the SPDES permit.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Penn Yan:

1. Designates itself as “Lead Agency” with respect to this action.
2. Determines that the proposed actions required by the SPDES permit falls under the “Categorical Exclusions” provisions of NEPA.
3. Determines that this is a Type II Action as defined in the State Environmental Quality Review Act, §617.5(c)(2) and (9), and accordingly no further review is required.
4. Authorizes and directs the Mayor of the Village of Penn Yan to execute any grant applications or agreements and any and all other contracts, documents and instruments necessary to bring about the project and to fulfill the obligations of the Village required by any award received from applications, subject to the approval of the Board of Trustees and compliance with the applicable provision of Article 5-A of the General Municipal Law of the State of New York, as well as the Procurement Policy of the Village of Penn Yan.

**MOTION** by Trustee Hoban, seconded by Trustee Condella to authorize Resolution No 16-2021 Village Wastewater Treatment Plant Upgrades – SEQRA Issues and Authorization for Mayor To Make Grant Applications and Execute Upgrade Contracts Upon Conditions of Approval and Compliance.

Mayor asked for a roll call vote

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart

**MOTION** by Trustee McLoud, Seconded by Trustee Hoban to authorize Jamie Kincaid to attend the NYBOC (New York State Building Officials Conference) On March 4 and 5<sup>th</sup>, 2021 in Utica, NY. (Travel and hotel cover by NYSBOC).

Mayor asked for a roll call vote

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart

Mayor asked if a need for Executive Session today.

**MOTION** by Trustee Hoban, seconded by Trustee Condella to authorize to have an Executive Session for performance of an employee.

Mayor asked for a roll call vote

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart

Comments:

**EXECUTIVE SESSION:**

At 9:16AM, **MOTION** by Trustee Hoban, seconded by Trustee Condella to enter into Executive Session for performance of an employee.

Mayor asked for a roll call vote

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 9:28 AM **MOTION** by Trustee Spencer, seconded by Trustee Hoban to leave Executive Session and return to regular Village Meeting.

Mayor asked for a roll call vote

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart

**ADJOURNMENT:**

At 9:29 AM, **MOTION** by Trustee McLoud, seconded by Trustee Condella to adjourn the regular Village Board meeting.

Mayor asked for a roll call vote

Mayor MacKerchar - yes Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes  
Mr. McLoud - yes Dr. Hoban - yes

**ADOPTED** Ayes 6 Nays 0 Abstain 0 Absent Stewart