

**MINUTES** of a Special Meeting of the Village Board of Trustees held Tuesday, December 29, 2020 at 1:00PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527 (Streamed via Zoom)

**PRESENT:** Mayor L MacKerchar; Trustees C. Benedict; D. Condella; K. McLoud; R. Spencer; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling;

**ABSENT:** Trustee Hoban; Director of Public Works T. Schwartz; Deputy Director of Public Works M. Gerhardt; Police Chief T. Dunham; CEO J. Kincaid; Fire Chief F. Ellis

**News Media present:** None

**PUBLIC:** Adam Folts

Mayor MacKerchar called the Special Village Board meeting to order at 1:02 PM

**Mayor** – Oh very good. Welcome, first off, do we have a Public request or comments- No. We do have owner coming on line here. Okay Well first off do we have any public request or comments. I don't know who just came on line here.

**Atty. Brockman** – whoever they are there mute

**Mayor** – Okay well we're here to discuss the contract and contract related so we will have an Executive Session if I can get a Motion to do so.

**Trustee Condella**- I'll make a Motion

**Trustee Stewart** – I'll second it

**Mayor** – Motion Mr. Condella, second Mr. Stewart any other discussion

Roll call

Mr. Spencer Yes, Mrs. Benedict Yes, Mr. Condella Yes, Mr. McLoud Yes,  
Mr. Stewart Yes Carried

At 1:05 PM **Mayor** – we will now go into Executive Session

**Gary** – I would ask that the person who is labeled as owner here depart the meeting while we go into Executive session, please.

At 1:35 PM Trustee Benedict, second Trustee Stewart to adjourn from executive Session and return to the Special Village Board meeting.

**Mayor** - Roll call

Mr. Spencer Yes, Mrs. Benedict Yes, Mr. Condella Yes, Mr. McLoud Yes,  
Mr. Stewart Yes Carried

**Mayor**- Thank you- I'll leave the Motion to our leader of our negotiation team.

Trustee Benedict – I'll make a motion that we approve the tentative agreement that was reached with the Civil Service employee Association for revised collective bargaining agreement that will expire on May 31 of 2022.

**Gary** – Carolyn I had drafted something are you comfortable with the Motion to authorize ratification of the tentative agreement between the CSEA and the Village of Penn Yan dated November 19, 2020.

**Trustee Benedict** – sounds great

**Trustee Spencer**- I'll second

**Mayor** – Motion Mrs. Benedict, second Mr. Spencer any other discussion. Well, I want to thank the team for all the work they did on this.

**Trustee Condella** – Yup

**Mayor**- any other comments. I'll call a roll call

Mr. Spencer Yes, Mrs. Benedict Yes, Mr. Condella Yes, Mr. McLoud Yes,  
and Mr. Stewart Yes Motion carried Thank you

**Trustee Condella** – Carolyn Thanks for all the hard work also you put a lot of research into that and a lot of home time stuff on the contract. So, really appreciate it.

**Trustee McLoud** – Thank you Carolyn

**Trustee Benedict** - It's my pleasure

**Gary** – We do have another Motion – I'll put out there for you guys to consider it's a Motion authorizing the Mayor to sign the Memorandum of Agreement between the CSEA and the Village of Penn Yan, addressing additional compensation for apprentice lineworkers for their performance of out-of-title duties.

**Trustee Condella** – I'll make a Motion

**Trustee McLoud** – I'll second it

**Mayor** – Motion Mr. Condella, second Mc McLoud any discussion.

roll call

Mr. Spencer Yes, Mrs. Benedict Yes, Mr. Condella Yes, Mr. McLoud Yes,  
Mr. Stewart Yes carried

**Mayor**- Do we have any other business, any public request or comments- no questions.

**Trustee Stewart** – do you proceed our January meeting being a hybrid meeting.

**Mayor** – It will be a Zoom meeting of some sort

**Trustee Stewart** – Okay

**Mayor** – We do have the capability – we still have to call it a zoom meeting for recording purposes but we will have the ability as you to see to have a few people together in one place.

**Holly**- We can wheel this right into the Board Room and while Rich to and spread out even more.

**Trustee Stewart** – Okay good.

**Mayor** – We will be as far as it will be a Zoom meeting, but we will consider some hybrid uses and possible some presentations haven't talked with the Chief yet, but possible that presentation on the next week the Police reform.

**Atty** – So, the board is aware, as you know we have the appeal from Chris Iverson on his project over on Water Street, which is next week the 6<sup>th</sup>. I believe and we thought at the Management meeting this morning to be helpful since Chris is claiming in his appeal there's a lot of work that needs to be done on the place to be habitable. Were having Jamie Kincaid through the building and make a list of any code violations that are necessary to bring the place in compliance. We thought it might be the best of the Board of Trustee actually have some firsthand knowledge on which to base their opinion and I have a copy of an e-mail that Jamie sent to Chris Iverson to ask for access to the building. So, we will have that hopefully if Chris allows it. At the appeal hearing on the 6<sup>th</sup> thank you.

**Mayor** – Thank you

**Trustee Condella** – Now Leigh Did they talk about the letter of credit for Chris Iverson on the project.

**Mayor** – That's a Planning Board issue.

**Trustee Condella** – Planning Board issue – right-any you brought it up to them.

**Mayor** – It's Planning Board issue.

**Trustee Condella** – Okay

**Atty.** – When you say a letter of credit, what purpose. I know what a letter of credit is and I know we have to have in our specification and standards.

**Trustee Condella** – Well did we have to – did we have one over on the boat on the marsh over there

**Atty.** – Not yet it's not at a point where we need it. We had one on Keuka Gardens for that project and we had it because they wanted it released, we were able to get some last detail done. That were required by the Planning Board and not been completed have for the boat property. I think it's premature for the letter of credit.

**Trustee Condella**- Okay got it

**Mayor** – We got a financial – is that what you're talking about Dan?

**Trustee Condella** – Not the boat project- I was talking about Water Street and stuff but I not too familiar with the letter of credit with what Jamie was saying. Of Farmington and to make sure they go through with the project in a timely pace.

**Trustee Spencer**- I think that wasn't that brought up- the people that want to do extraction over in the business park, we were concerned about additional money and would never complete the project.

**Mayor/Trustee Condella** - Right

**Atty.** – That was brought up regards to street openings for people doing excavating working our Streets and not finishing it completely then the way they should be, because it was cheaper to walk away and lose their deposit, that's what you're talking about – right.

**Mayor**- Dan – he doesn't come to the Planning & Development meeting but we can address that at Planning & Development and make sure Planning Board up on some of those.

**Trustee Condella**- Okay.- that's fine

**Atty.** – Specification indicated I don't remember exactly what it says but, the letter of credit is required on a certain point before the construction has begun.

**Trustee Condella** – gotcha Okay

**Atty.** – Your right there is one required for most projects.

**Mayor** – Through the Planning Board – Okay any other business.

**Trustee Stewart** – Ed or Ray do you remember when the downtown art committee was supposed to meet.

**Atty.** – I'll send a memo out – the mayor is going to appoint the permanent committee at the meeting on the 19<sup>th</sup>. So, we should set up once we know who they are after the 19<sup>th</sup>.

**Trustee Stewart** – Okay

**Atty.** – Make sure we get a meeting at the least in February

**Trustee Stewart** – Okay

**Atty.** – Get the ball rolling so to speak

**Mayor** – as far as the two from the Village Board Mr. Stewart and Mr. Spencer are you agreeable to that.

**Trustee Stewart** – I am

**Trustee Spencer** – yes

**Mayor** – Okay

**Atty.** – good you got the experience

**Trustee Spencer** – I believe I have communicated this before. I spoke with Bob Gillespie and he would be able to serve on the Committee as an artist from the community.

**Mayor** – Thank you Yes

**Trustee Condella** – At the same time I did talk with Kathy Waye from the college. So, she's waiting for a call also, but I don't know if we will leave it at that so

**Trustee Stewart** – Andy Baus has volunteered, head of the Historical Preservation Committee Commission to be the history person.

**Mayor** – Oh yes- alright

**Atty.** – There five

**Mayor**- There we go

**Atty.** – And probably outa tell them what their terms are. It's laid out in that Resolution we adopted.

**Mayor** – Yes

**Atty.** – Back in I guess December meeting

**Trustee Spencer**- Ed I did express this to Dan Condella and I have nothing against Kathy Waye to be on the committee, but I was concerned about the way you perceived and drafted the way the who the members should be rather Kathy qualifies herself art person from the community.

**Atty.** – I'm not familiar with the lady

**Mayor**- I thought about that- after I talked with Dan, she is not really representing the Art Department at the college.

**Trustee Condella** – Well the way she said it

**Mayor** – Dexter Benedict

**Trustee Condella** – I don't care who's on the committee. I was just letting you know I talked with her prior before we got all this information in on our first meeting remember Ray.

**Trustee Spencer**- Yes, I agree

**Trustee Condella** – Yup and Kathy said I can get on for right now but she wanted to point the head of once the college got up and running, she was going to step down and who ever run in the art program at Keuka College sit on for her, but just to get the board going and up and running. She said she would sit on it for now.

**Mayor** – Alright thanks

**Trustee Condella** – That's up to you guys. Just letting you know I reach out to her before all this criteria so.

**Atty.** – anybody from the Art Department at the school weather it's Elementary or High School or Jr. High.

**Trustee Condella** – Mr. Gillespie is retired from the school

**Atty.** – Okay it's just got to be somebody that represents the art community. Which I think we tried to define broadly.

**Mayor** – is the consents I was going to ask about Chris Pearson

**Trustee Spencer** – that would be a negative

**Trustee Condella** – I'll second that

**Mayor** – Thank you

**Trustee Benedict**- the Art Center of Yates County to see who's on their board.

**Mayor** – I looked at that, yes

**Atty.** – five people and then the resolution also says you have the power to fire them to.

**Mayor** – always when you have artist involved it's always

**Trustee Condella** – who got turned down

**Mayor** - who got turned down

**Trustee Condella**- Pauline again from the Town of Milo. I ran into her at Long's the other day. Just before Christmas and said just want to let you know that Milo turned me down again on the wall.

**Mayor** – Milo

**Atty.**- any reason Dan

**Trustee Condella** – she didn't say. Just wanted to she wanted to go ground level and looking at the place over to Jolly Lane.

**Mayor** – that's a nice wall over there

**Trustee Condella**- got a lot of windows- plus the cars park there so kind of block it.

**Mayor** – she's got the grant- she's got to find the walls alright. Any other business, discussion, comments if not I'll entertain a motion to adjourn and Thanks you all very much and a Happy New Year.

**All**- wished all a Happy New Year

At 1:49 PM **Trustee Benedict** – Motion to adjourn from the special board meeting.

**Mayor** – Motion Mrs. Benedict, second Mr. Spencer any discussion  
roll call

Mr. Spencer Yes, Mrs. Benedict Yes, Mr. Condella Yes, Mr. McLoud Yes,  
Mr. Stewart Yes carried

---

Mary Ann Martin, Deputy Clerk