

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

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: Trustees R. Stewart; Police Chief T. Dunham; CEO J. Kincaid; Fire Chief F. Ellis

News Media present:

PUBLIC: None

Mayor - Good morning everyone. We got a Special meeting. Main purpose is to hold a Public Hearing regarding a CDBG grant for Community Development Block Grant application for hearing. A Motion to open the Public Hearing.

At 9:01 AM **Trustee Condella/ Hoban**- I'll make a Motion

Mayor - Okay I'll take Dan first, Dr. Hoban second any discussion.

Roll call

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

Mayor - Public Hearing is now open, is there anyone who wishes to comment, questions the application. Tom- if you would like I could read the project description and statement of need.

Mayor- Very good- Thank you

Tom - 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.

Mayor - Thank you Tom

Tom - We can add that to the application

Mayor - Yes this is one of those issues that we really do need to attend to. With in the County there was one water system that shut down because of this over in Canandaigua Lake. It's something we really need to be on top of. Any other comments questions regarding the grant, if not I'll entertain a Motion to close the Public Hearing.

Trustee McLoud - I'll make a Motion Leigh

Trustee Spencer- second

Mayor - Motion Mr. McLoud, second Mr. Spencer any other discussion.

Roll call

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

Mayor - Now we have a Resolution #16-2021, First of March and we have 16 already Ed.

Atty. - Getting there - shooting for triple digest this year.

Mayor - alright- how do we want to deal with this Resolution.

Atty. - has everyone had an opportunity to review it. Do you need it read?

Trustee Spencer- I would like it read

Mayor - Okay

Atty. I'll do it

Mayor - Thank you

Atty. - 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.

That’s the end of it - then we have the certificate

Mayor - Thank you

Atty. - Don’t ask me what it means

Mayor- Well this will get us to Water Discharge Quality that will benefit our down stream neighbors as well that I adverted earlier. Any other questions regarding the Resolution. Did we have a motion to approve that?

Atty. - Not yet

Trustee Hoban - I'll make a Motion to approve Resolution No 16

Trustee Condella/Spencer- second

Mayor - Dr. Hoban, second Mr. Condella any other discussion

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes

Dr. Hoban - yes Absent - Stewart Carried

Atty. - Can I point out we need to have a response back to where ever. We need an affidavit and publication to go with it from the newspaper and need to have certified copies two Resolution one back on February 16, 2021 and one today adopted. Also, we need to do a proof of posting for the notice of Public Hearing. Mary Ann knows about that right.

Melissa- Yes, I provided that note

Mayor- very good

Atty.- to go back to

Tom/Melissa - yes Jessica

Atty. - Thank you

Melissa- Thank you

Mayor - So were ready to move on. We have one other item here to deal with the Jamie Kincaid to attend the New York State Building Officials Conference March 4 & 5 in Utica.

Trustee Condella- if we say no- does he have to come home

Mayor- I'll give him a call

Trustee McLoud - Leigh if you need a Motion, I'll make it.

Trustee Hoban - I'll second it

Mayor - got a Motion from Kevin, second Teresa any other discussion

Atty. - I spoke with Jamie and he is almost ecstatic about going to Utica.

Mayor - Well the last time he didn't show up to a meeting he got put into the Regional Director or something.

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes

Dr. Hoban - yes Absent - Stewart Carried

Mayor - other business Do we have a need for Executive Session - no other business.

Trustee Hoban - yes, we have a need for Executive Session for development of an employee

Mayor- that would be the Board members.

Trustee Hoban - yes

Mayor - is that a Motion for Executive Session

Trustee Hoban - yes

Trustee Condella - second

Mayor - ok we have a second Mr. Condella

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes

Dr. Hoban - yes Absent - Stewart Carried

At 9:16AM adjourn

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

Roll call

Mr. Spencer - yes Mrs. Benedict - yes Mr. Condella - yes Mr. McLoud - yes

Dr. Hoban - yes Absent - Stewart Carried

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

Mary Ann Martin, Deputy Clerk