

MINUTES of a Regular Meeting of the Village Board of Trustees held Tuesday evening, April 21, 2020 at 6:00 PM, streamed using Zoom

PRESENT Mayor MacKerchar; Trustees C. Benedict; D. Condella; T. Hoban; K. McLoud; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Police Chief T. Dunham; Director of Public Works T. Schwartz; CEO B. Lyon; Chairman R. French Municipal Commissioner D. Payne; D. Banach

ABSENT: Trustee; Deputy Clerk/Treasurer H. Easling; Deputy Dir. Of Public Works TBD; Fire Chief F. Ellis

News Media present: guser (Gwen Chamberlain), Chronicle Express via Zoom

PUBLIC: joined via Zoom; Billy Wigsten; Leslie Church; Joe Yankanich; J (Jeff Hulse); Ipad Milo (Patti Christensen), Christine Mickelsen, Yvonne Tucker, VPenny1(Mike Christensen), K Christensen, D. Cohick, Adam, Chandra; owner

At 6:00 PM, Mayor MacKerchar called the Village Board meeting to order.

Mayor MacKerchar mentioned Yates County now has 16 positive cases and 1 death as of today. Our thoughts and prayers for the all the families. Now more than ever we need to stop this spread. Reminder need social distancing, be cautious of your surroundings. Mayor explained if you're hear for the Public Hearing on the Budget that has been rescheduled to 5:00 PM on April 27, 2020. We had to rescheduled two Public Hearings.

6:00 and 6:05 PM PUBLIC HEARINGS HAVE BEEN RESCHEDULED

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Resolution No 29-2020 Rescheduling and Re-noticing of Public Hearings on Local Laws

WHEREAS, the Board of Trustees of the Village of Penn Yan has a regularly scheduled meeting on April 21, 2020 at which were scheduled public hearings on two (2) proposed local laws, to wit: 1. "2020 Amendment 1 of the Zoning Chapter of the Village Code"; 2. "Department of Motor Vehicles Road Test Site Amendment of the Vehicles and Traffic Chapter of 2020"; and

WHEREAS, subsequent to those public hearings being scheduled the Governor issued Executive Order (EO) 202.15 on April 09, 2020 which directed specific protocols for conducting public hearings during the COVID-19 crisis; and

WHEREAS, insufficient time was available to properly notice such already scheduled public hearings pursuant to said Executive Order.

NOW THEREFORE, BE IT RESOLVED, THAT

1. The said hearings be and hereby are cancelled and rescheduled for the May 19, 2020 Board of Trustees meeting at 6:00 p.m. and 6:05 p.m. respectively.
2. That Notice of said public hearings be made by legal counsel by publication and posting, in compliance with the protocols prescribed by EO 202.15.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

CALL FOR EXECUTIVE SESSION:

No call for Executive Session tonight

MINUTES:

MOTION by Trustee Spencer, seconded by Trustee Stewart to approve the Village Board Minutes from March 17, 2020.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

GUESTS, PUBLIC REQUEST & COMMENTS:

Billy Wigsten, CSEA Unit 9302 President read a letter in full to the Board regarding the Unions disappointment from the Village Board to begin negotiations for the upcoming new contract with the Union. Bill mentioned after multiple attempts by the Union to begin negotiations in February per our contract. Village has failed to make any attempt to acknowledge our request. The Union has asked they get the same pay raise as the Village Police was offered for the next year and if the Village does not accept the offer of a one-year extension the Union asked negotiations began immediately. Bill did mention he did receive an e-mail early this morning from the Village contract Committee. They would like to meet mid-May. Bill Thanked the Board for letting him read the letter and express how the Union feels. Mayor MacKerchar Thanked Bill and wanted him to know we do appreciate the employees and what they do and this will be referred to our contract Committee for their recommendation and for our next Board meeting should be some communication between the two groups.

MAYOR:

ATTORNEY:

Atty. Brockman explained we had put out for Seal Bids for 25 Champlin Ave. just before the total shut down, feels because of these circumstances we should re-announce the bid and start from scratch. We will except bids by mail, e-mail and electronically by facsimile transmission.

MOTION by Trustee Condella, seconded by Trustee Benedict to authorize Resolution No 30-2020 Directing Rejection of Any and All Bids Received for the Purchase of 25 Champlin Avenue in the Village of Penn Yan and Setting a New Date for Receiving Bids as Well as for Awarding Sale

WHEREAS, the premises owned by the Village of Penn Yan at 25 Champlin Avenue, Penn Yan, N.Y. has previously been declared to be surplus real property and has been directed to be sold at auction by sealed bid; and

WHEREAS, the Board of Trustees previously addressed SEQRA issues related to this action; and

WHEREAS, advertisement for sealed bids was undertaken by the Village Mayor pursuant to Resolution duly adopted by the Board of Trustees and Notice of Sale published and posted with an award of the sale scheduled for April 9, 2020 at 10:00 A.M.; and

WHEREAS, during the period of advertisement of the Notice of Sale a national health emergency was declared in the United States, resulting in interruption of much employment and requirements that people shelter in place to decrease the possibility of contagion of the COVID-19 disease; and

WHEREAS, it appears that rejection of any and all bids received is prudent under the circumstances and re-advertisement of the sale with a new date for awarding of the sale being set; and

WHEREAS, the previous Notice of Sale provided that the Board of Trustees reserved the right to reject all bids.

NOW THEREFORE BE IT RESOLVED, THAT

1. The award of sale by sealed bid set for April 9, 2020 is cancelled, all bids received are rejected and notice thereof be made to any bidders.
2. A new date be set for award of the sale to take place at the Board of Trustees meeting on May 19, 2020 at 6:00 p.m., with the sale to be awarded to the highest responsible bidder who complies with the Notice of Sale and Terms of Sale.
3. That deadline for submission of bids is hereby set as May 15, 2020 at 12:00 P.M. (noon). That bids may be submitted by written sealed bids or electronically by facsimile transmission or e-mail.

4. That the Notice of Sale and Terms of Sale affixed hereto are approved and ratified.

5. The Mayor and Village Clerk/Treasurer shall effectuate the advertisement of the Notice of Sale and Terms of Sale, as well as the receipt of bids.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McCloud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

Atty. Brockman mentioned last time we advertise four times, thinking two times should be sufficient. Village Board agreed and Atty. Brockman will place advertisement in paper, Village Clerk will have it on the window at the Office and on Village Web Site.

COMMUNITY REVITALIZATION:

No updates

MUNICIPAL:

MOTION by Trustee McCloud, seconded by Trustee Stewart to award Industrial Electrical and Technical Services, Inc. (IETS) the Breaker, Relay Maintenance and Testing at Ryder and Welker Substations for the bid amount of \$21,430.00.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McCloud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McCloud, seconded by Trustee Benedict to authorize to grant sewer forgiveness in the amount of \$54.60 to Bruce Lyon, 122 Brown Street.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McCloud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McCloud, seconded by Trustee Spencer to authorize Shawn Searles to use a Village vehicle to attend a two-day training, on September 14th- 15th, 2020 for Western NY's Water Operator School: Grade D session, in Tonawanda, NY. Fee \$425.00 + accommodations =Total Cost TBD.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McCloud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McLoud, seconded by Trustee Condella to authorize Shawn Searles to use a Village vehicle to attend a two-week long training, on October 5th - 16th, 2020 for Western NY's Water Operator School: Grade A session, in Tonawanda, NY. Fee \$875.00 + accommodations =Total Cost TBD.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McLoud, seconded by Trustee Spencer to authorize Bill Wigsten to use a Village vehicle to attend a two-day training, on September 14th - 15th, 2020 for Western NY's Water Operator School, in Tonawanda, NY. Fee \$425.00 + accommodations =Total Cost TBD.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McLoud, seconded Condella to awarding Dickson Environmental Services, Inc. for the Hauling of Liquid Sludge bid for the amount of \$0.06 per gallon of sludge.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McLoud, seconded by Trustee Benedict to approve Utility Payment Agreements in the amount of \$5796.95.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

Mayor MacKerchar wanted to commend the MUB Board for their first Zoom meeting. Thought it went well and happy all could make it.

FINANCE & ADMINISTRATION:

MOTION: by Trustee Benedict, seconded by Trustee Spencer to pay current Village and Municipal bills as submitted.

AUDIT:

		Amount:
Paid Before Audit:		
General		26,099.69
Electric		320,261.49
Sewer		7,155.99
Water		7,660.40
Capital Projects		
Total Paid Before Audit	\$	399,374.27
Current Audit:		
General	\$	108,536.12
Community Development - CRC		-
Electric		49,925.65
Sewer		102,178.94
Water		9,961.73
Capital Projects		-
Total Current Audit Items	\$	270,602.44
TOTAL AUDIT	\$	669,976.71

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize the Re-levy of Water (\$1,480.66) & Sewer (\$1,699.41) rents to be forwarded to the County by May 4, 2020 for placement on Village.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee Benedict, seconded by Trustee Stewart to authorize the Re-levy of lawn mowing services in the amount of \$633.13 plus 10% = \$696.45 to be forwarded to the County by May 4, 2020 for placement on Village taxes (2 properties).

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee Benedict, McLoud to authorize Chief Dunham to hire back retired Officers on a part time basis as needed with the understanding that this will only be done if current personnel become sick or are forced to quarantine. Pay rate of \$20.00 per hour.

Roll Call Vote	Aye	Nay	Absent
----------------	-----	-----	--------

Mayor MacKerchar	X
Trustee Spencer	X
Trustee Benedict	X
Trustee Condella	X
Trustee McLoud	X
Trustee Stewart	X
Trustee Dr. Hoban	X

ADOPTED

MOTION by Trustee Benedict, seconded by Trustee Condella to authorize Cody Staples a Permanent appointment as HEO, effective April 8, 2020 Group 5 Step 1 22.62 per hour. Rate stays the same. He has completed his probation period.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee Benedict, second by Trustee Stewart authorize recruitment of seasonal employees who can begin employment starting after approval from Mayor MacKerchar and Director of Public Works Schwartz.

Discussion: Mayor mentioned we don't know if we will be going ahead with the summer programs, but need to have a plan for it. This will allow us to advertise and get people lined up. Atty. Brockman is inquiring do all seasonal employees under go a background check or only ones that work for lifeguards and youth programs.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

PUBLIC SAFETY:

POLICE DEPARTMENT:

Monthly activity report for March

FIRE DEPARTMENT:

Chief's Report for March

Trustee Condella mentioned at this time all events for Firemen's Field for 2020 are on hold until further notice due to the COVID-19.

CODE ENFORCEMENT:

Monthly activity report for March

Bruce Lyon mentioned everything going slow working with everyone we can.

PUBLIC WORKS:

MOTION by Trustee McLoud, seconded by Trustee Spencer to approve the change order for the Penn Yan

Bicycle-Pedestrian Connections Project to reduce the contract award amount by \$10,830.51; which was awarded to C.P. Ward, Inc. for the original amount of \$499,866.20. This reduction would change the contracted amount to \$489,035.69.

Discussion: Mayor stated this wraps up the TAP grant.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McLoud, seconded by Trustee Dr. Hoban to award The Tree Doctor the Vegetation Control bid for \$3,675.00 per season [Spring/Fall/Spring] for a total of \$11,025.00.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McLoud, seconded by Trustee Condella to award the Hot Mix Bituminous bid piecemeal; four of the six mixes to Seneca Stone Corporation and two of the six mixes to Hanson Aggregates New York LLC.

Seneca Stone Corporation		Hanson Aggregates New York LLC	
Hot Mix Bituminous Type	Price per Ton	Hot Mix Bituminous Type	Price per Ton
Type 7	\$65.00	Type 7F	\$66.50
Type 6F	\$64.00	Type 2 Binder	\$48.00
Type 3 Binder	\$57.00		
Fine Binder	\$57.00		

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McLoud, seconded by Trustee Dr. Hoban to award DC Masonry the Cemetery Foundation Work bid for \$0.49/square inch for new foundations and \$1.30/square inch for foundation replacements.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McCloud, seconded by Trustee Condella to award Hanson Aggregates New York LLC the Ready-Mix Concrete bid.

Hanson Aggregates New York LLC	
Transit Mix Concrete	Price per Cubic Yard
3,500 lb.	\$132.00
3,500 lb. w/ fiber	\$144.00
4,000 lb.	\$135.00
4,000 lb. w/ fiber	\$147.00
4,000 lb. w/ DCI *	\$150.00
4,000 lb. w/ DCI *additional DCI above 2 gals.	\$160.00
4,500 lb.	\$140.00
4,500 lb. w/ fiber	\$152.00
Flowable Fill	\$100.00

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McCloud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

MOTION by Trustee McCloud, seconded by Trustee Condella to award Long Milk Haulers Inc. the Hauling of Materials bid.

Long Milk Haulers Inc.	
Standard Materials (Price per Ton)	Gabion (Price per Ton)
\$3.75	\$4.50
\$4.85	\$5.50
\$5.85	\$6.50
\$6.85	\$7.50
\$7.85	\$8.50

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McCloud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

PLANNING & DEVELOPMENT:

Trustee Stewart mentioned we did not have a meeting this month. Hopefully we will next month. Mayor stated the Planning Board meeting went well last night.

COMMENTS

Trustee Stewart asked if the Mayor has a new date for Village Elections. No Definite date yet. Atty. Brockman mentioned the Webinar from NYCOM Wade Beltramo had mentioned a date of June 16th. we will have to wait and see. Atty. did mention for the elections you can't re-do petitions nor file any more, virtual the same as it would have been in March.

Mayor wanted to Thank everyone for tonight's meeting and stay safe.

EXECUTIVE SESSION:

No need for Executive Session tonight

ADJOURNMENT:

At 6:38 PM, Mayor adjourn the regular Village Board meeting.

Roll Call Vote	Aye	Nay	Absent
Mayor MacKerchar	X		
Trustee Spencer	X		
Trustee Benedict	X		
Trustee Condella	X		
Trustee McLoud	X		
Trustee Stewart	X		
Trustee Dr. Hoban	X		

ADOPTED

Mary Ann Martin, Deputy Clerk

ANNOUNCEMENTS: