

**MINUTES** of a Regular Meeting of the Village Board of Trustees held Tuesday evening, March 16, 2021 at 6:00 PM, Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527 (streamed via Zoom)

**PRESENT** Mayor MacKerchar; Trustees C. Benedict; D. Condella; T. Hoban; K. McLoud; R. Spencer R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Deputy Clerk/Treasurer H. Easling; Deputy Dir. Of Public Works M. Gerhardt; Police Chief T. Dunham; CEO J. Kincaid; Fire Chief F. Ellis

**ABSENT:** Director of Public Works T. Schwartz

News Media present:

**PUBLIC:** Mike Lipari- Economic Development, Chuck Bell -Harrison Studio's, Billy Wigsten

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

Mayor MacKerchar mentioned we have a couple of guest this evening and we have two Public Hearings related to CDBG's. The first is for Keuka Hotel over by the Hampton this is an addition of the conference room.

**6:00PM PUBLIC HEARING** – Keuka Hotel - CDBG

6:02 PM **MOTION** by Trustee McLoud, second by Trustee Condella to open the Public Hearing.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

Mike Lipari from IDA- Economic Development explained the Hotel has received their Certification of Occupancy (C of O). They were a gracious host of a recent COVID vaccine clinic. A great way to show off the new facility and also helped the community. They are waiting to open their application process to meet the employment goals. Waiting on the COVID restrictions. They have had a few summer events postponed or cancelled. They do have a few events for this fall. More events for 2022. Have not made any request for reimbursement at this point. Waiting till they know when they can make hires to meet the hiring numbers. We will file an extension since the grant deadline is coming. Mike mentioned they have spoken with Community Renewal on this and they are willing to grant the extension. They understand the COVID restriction in place have hurt businesses. Chuck Bell from Harrison Studios mentioned the reason we are not more proactive in filing, is the Community Renewal requested we wait until right up to the end of the grant period and submit something formal in terms of an extension. Mike and Chuck both stated we did have a conversation with Community Renewal on the phone wanted to keep them up to speed on the projects. Mike & Chuck both asked if the Board had any other questions.

Mayor MacKerchar asked the Board if any other questions or concerns over the CDBG for Keuka Hotel. Thank you, Mike & Chuck.

Mike & Chuck Thanked the Board

At 6:06 PM **MOTION** by Trustee Stewart, second by Trustee Spencer to close the Public Hearing for CDBG - Keuka Hotel

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

Mayor MacKerchar stated our second Public Hearing deals with the CDBG for Parker's Grille.

**6:05PM PUBLIC HEARING** - Parker's Grille- CDBG

At 6:07 PM **MOTION** by Trustee Condella, seconded by Trustee McLoud to open the Public Hearing.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

Mike Lipari from IDA- Economic Development explained this is a similar type situation except the frame is different. They just recently have begun the hiring process. They have a on line application and also available in the store. They are moving forward for a late April opening. It's great to have an opening date. Mike mentioned we will still likely file for an extension for this project as well. The grant deadline for Parker's is middle of April. We will file the extension here in the next couple of weeks. Will make sure they have the hiring requirements with that deadline. The buildout is complete the place looks fantastic. Will be a nice addition to Penn Yan. Jamie Kincaid stated he was in there the other day doing an inspection, have a few things to fix before they get the Certification of Occupancy (C of O). Jamie heard they were hoping to maybe open earlier than the end of April they still need to get their liquor

license. Trustee Spencer asked do you know hours of operation. Mike is unsure but he imagines they probably will limit at the start, and thinking will keep in line with his other restaurants. Mike will look into the hours of operation and get back to the board. Mayor asked if anyone had any other questions or comments.

At 6:11PM **MOTION** by Trustee Spencer, second by Trustee Stewart to close the Public Hearing

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

At 6:12 PM Mike Lipari and Chuck Bell left the Zoom meeting.

**CALL FOR EXECUTIVE SESSION:**

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

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

**MINUTES:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to approve the Village Board Minutes from February 16, 2021 and Special Village Board meeting on March 4, 2021.

Discussion: Trustee Stewart voted yes for February 16 minutes - he abstained from March 4, 2021 was not in attendance for that meeting.

For February 16 **ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

For March 4 **ADOPTED** Ayes 6 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer  
Nays 0 Abstain Stewart Absent

**GUESTS, PUBLIC REQUEST & COMMENTS:**

No comments

**MAYOR:**

Mayor reminded every one of the Organization Meeting Monday April 5, 2021 at 5:00 PM this will be in person at Village Office Building.

Mayor discussion the COVID vaccination all Village employees are now able to receive shots. Stated just about every drug store has vaccines. He was aware had 300 does for today clinic.

Trustee Stewart mentioned he went to Eastview today and saw in Victor Elections signs were out. We had no elections due to no openings for our Board. Mayor mentioned it has been a year since everything shut down. Been a long year.

Mayor stated he was on a Webinar today with Senator Schumer, Senator discussed the stimulus checks and who would be receiving the money from the government. Senator gave a break down on who is eligible for payments, who will receive some type of Federal funding for local Governments. Mayor has a virtual Webinar Tomorrow regarding where we are now. Mayor feels with the safety precautions we have in place we can go back to in person meetings for April.

Mayor mentioned again starting on March 24 will be doing in person meeting again. Will have them for the Organization meeting and from now. Atty. Brockman asked if the hybrid will be used at all. Mayor is unsure at this time.

**MOTION** by Trustee Condella, second by Trustee McLoud to authorize the Mayor to sign the completed Public Employer Health Emergency Plan for the Village of Penn Yan and distribute to all employees.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

**MOTION** by Trustee Condella, second by Trustee McLoud to award the Engineering Services to Enhance the Pedestrian Experience proposal to Trowbridge Wolf Michaels Landscape Architects, LLP for the proposed amount of \$368,500. This includes Engineering for the three project components awarded from the Downtown Revitalization Initiative.

Discussion: Mayor stated had 12 firms that submitted proposals. We have worked with Trowbridge before on the trails project and I think it's a good fit. They have partnered up with LaBella and they are from the Ithaca area. The proposals ranged were from \$350,000 - \$690,000. Trustee Spencer asked if any idea of when we will see shovels in the ground. Mayor mentioned Geneva is two year's ahead of us and they just started. Gary mentioned the three projects were just over 3 million - roughly 10%. Holly stated this was approved by Chris Bower with the Department of State for the DRI project. Mayor thanked Tom and Melissa for all the work they did.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

**ATTORNEY:**

Atty. Brockman reviewed in full the SEQRA - Amending the Subdivision - Zoning Chapter

**MOTION** by Trustee Stewart, second by Trustee Spencer to authorize Resolution No 17-2021 Setting a Public Hearing and Adopting an FEAF with Respect to the Proposed Local Law Amending the "Subdivision" Chapter of the Code of the Village of Penn Yan With Respect to Public Notices. Set a Public Hearing for Tuesday April 20, 2021 at 6:05 PM.

**WHEREAS**, the Board of Trustees previously designated itself as "Lead Agency" for the purposes of the review of this action under the provisions of SEQRA and determined this to be an "Unlisted Action" and

**WHEREAS**, a proposed Local Law has been drafted and distributed to the Board of Trustees; and

**WHEREAS**, a Short Environmental Assessment Form (SEAF) has been prepared, completed and reviewed.

**Now Therefore, be it**

**RESOLVED**, that the SEAF with respect hereto is adopted and a Negative Declaration is issued; and be it further

**RESOLVED**, that a public hearing on the proposed Local Law is hereby scheduled for April 20, 2021 at 6:05 p.m. at the Village Hall and that notice thereof be made by legal counsel.

**RESOLVED**, that the proposed Local Law is exempt from referral the Yates County Planning Board.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent

**COMMUNITY REVITALIZATION:**

Mayor mentioned nothing new to report

**MUNICIPAL:**

**MOTION** by Trustee McLoud, second by Trustee Condella to approve Sewer Forgiveness to Brock's Bowl & Pizzeria in the amount of \$25.35.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, seconded by Trustee Condella to accept Kanpak's request to reduce sampling from three times to two times per week to the certified lab.

Discussion: Trustee Spencer asked if KanPak is testing the fluid coming out of the plant. Trustee McLoud explained yes Elliott Engineer reviewed the past months and felt comfortable to reduce it to twice a week from three times and all were in favor. Holly, mentioned the cost for sampling is KanPak's responsibility to send out to the certified lab.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Condella to award Holland Company the PolyAluminum Hydroxycchloride (PACL) bid for the amount of \$0.17 per pound.

Discussion: Trustee Hoban questioned if it has gone up or down from last year. Holly mentioned they were the only bid that came in.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart

Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Spencer to award Amrex the Sodium Hypochlorite for the amount of \$1.30 per gallon & Sodium Fluoride for the amount of \$0.92 per pound and Slack Chemical the Liquid Phosphate bid in the amount of \$11.37 per gallon.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Condella to award Hamm’s the Vegetation Control bid for the amount of \$11,913.00.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Condella to award GottaDo Contracting, LLC the Sludge Hauling bid for the amount of \$0.075 per gallon.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Condella to award Casella Waste the Hauling of Biosolids bid for the amount of \$265.00 per 20- or 30-yard dumpster.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to award Irby’s the Pole Line Hardware bid for the fiscal year based on the only bid for line-item hardware.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, seconded by Trustee Condella to award Birchcrest the Tree Maintenance bid in the amount of \$74,390.00.

Discussion: Trustee Spencer wonder is this to trim trees away from our wires and is it an annual maintenance. Holly explained this is every year we try to do ½ the Village each year. Two years ago, we did around \$80,000 and this past year was around \$40,000. This amount will be for the upcoming year.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, seconded by Trustee Spencer to approve Utility Payment Agreements in the amount of \$4,006.60

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**FINANCE & ADMINISTRATION:**

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

**AUDIT:**

		<b>Amount:</b>
<b>Paid Before Audit:</b>		
General		25,818.92
Electric		317,860.52
Sewer		7,812.74
Water		8,183.81
Capital Projects		
	<b>Total Paid Before Audit</b>	\$ 359,675.99
<b>Current Audit:</b>		
General	\$	56,829.93
Community Development - CRC		15,000.00
Electric		53,082.87
Sewer		51,431.35
Water		134,380.27
Capital Projects		-
	<b>Total Current Audit Items</b>	\$ 310,724.42
<b>TOTAL AUDIT</b>		\$ 670,400.00

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Benedict, second by Trustee Spencer to set a special meeting of the Board for a budget workshop for the Tentative 2021-2022 General Fund Budget on Wednesday March 24, 2021 at 2:00 PM. This meeting will be in person at Village Hall in the main board room.

Discussion: Chief Dunham question who should attend. Gary asked that Chief Dunham and Tom Schwartz to attend the meeting. Gary - stated he will have the full tentative budget along with the highlights ready next Monday and will place a hard copy in your mailboxes.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to create one (1) additional Account Clerk Typist position and begin recruitment.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Benedict, seconded by Trustee Spencer to create a “Director of Recreation and Facilities” position.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Benedict, seconded by Trustee McLoud to provisionally appoint Dan Doyle to the Director of Recreation and Facilities position at his current salary \$57,588.00. No probation period as it is a provisional appointment.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
 Nays 0 Abstain 0 Absent 0

**PUBLIC SAFETY:**

**POLICE DEPARTMENT:**

Monthly activity report for February

**MOTION** by Trustee Condella, seconded by Trustee Hoban to declare red rascal balance mobility scooter surplus and dispose of it properly.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
 Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Condella, seconded by Trustee McLoud to declare old exterior and interior cameras and recording equipment surplus and dispose of it properly.

Trustee Stewart asked what does dispose of properly mean. Chief Dunham explained depends on the items. The scooter is too old and not able to get parts for it and no value and will send for scrap. The cameras will be recycled. Chief stated when we sell something the money goes back to the Village.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Condella, seconded by Trustee McLoud to authorize the Mayor to sign the Intermunicipal Agreement for Special Details Deputies performing Mutual Aid Police Duties in Schuyler County. (5-year agreement 2021 -2025)

Discussion: Chief Dunham explained this is for large events in Schuyler County as Nascar and concerts. Our Officer get deputized down there be on Schuyler's insurance. They use Schuyler's equipment/vehicles. Mostly perform traffic control and foot patrol duties. We do not use our vehicles everything including insurance is covered by Schuyler County.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**FIRE DEPARTMENT:**

Chief's Report for February

Chief Ellis mentioned next month the Fire Department will have their yearly elections for new Officers. The ladder truck should be back this Friday or next week. Cost around \$50,000 - \$60,000. It's an older truck and it cost more to fix them because it's hard to get parts. Chief Ellis - mentioned Derek Christensen has written for Federal grants for a compressor and the ladder truck.

**CODE ENFORCEMENT:**

Monthly activity report for February

**PUBLIC WORKS:**

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize 6 members of the DPW Crew to Attend the WNY Superintendents Association 2021 Equipment Show September 15, 2021 in Rochester. No cost to attend the show, will use Village vehicles for transportation.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, seconded by Trustee Condella to authorize the Village of Penn Yan to participate in the 2021 CAMP Summer Intern Program to include hiring an intern at a rate of \$15.00/hr. for 10 weeks beginning in June 2021. The intern, an Engineer Student, will help develop Street and Sidewalk inventory using the CAMP-RS software that is included with the program.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Condella to authorize Tim Marcellus to attend CLRP's (Cornell Local Road Pavement) Management Summer Intern Project Workshop in Ithaca, NY on June 2-3, 2021 at a cost of \$60.00. Tim will use a Village vehicle to attend.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Condella to authorize a second employee to attend CLRP's (Cornell Local Road Pavement) Management Summer Intern Project Workshop in Ithaca, NY on June 2-3, 2021 at a cost of \$20.00, to cover lunch. Employee will be put on a waitlist to attend if space allows.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee McLoud, second by Trustee Condella to authorize the purchase of a new Pay station for the Boat Launch from IPS Group for \$7,337.00.

Discussion: Trustee McLoud wanted to Thank Dan Condella, Holly Easling and Dan Doyle for all their hard work on this. Put a lot of time looking into this. Holly mentioned did look at a solar option that was a few hundred cheaper but the ongoing cost was much higher than any hard wire option.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**PLANNING & DEVELOPMENT:**

Trustee Stewart explained the Art Committee met earlier reviewed applications for projects, next meeting is March 24 and looking to get some ideas for the mural by Once Again Shop. They are asking for input from the Community. Have worked on the procedures, process and guidelines. Will be meeting again on March 24<sup>th</sup>. Rich mentioned also reviewed the memorandum about marijuana sales, did have a change to 500 feet from schools. Other than that, we were ok with it. Discussed short term rentals and set up a sub committee for that. Rich stated the Mayor received a letter from a fourth grader asking for a Zoo in Penn Yan and Rich will write them back on that issue. Atty. Brockman commented they also discussed changing the Zoning classification for Horizon Business Park from Plan business to Industrial Engineering. This has been referred to Planning Board for their review.

**COMMENTS**

**EXECUTIVE SESSION:**

At 7:13 PM, **MOTION** by Trustee McLoud, seconded by Trustee Hoban to enter into an Executive Session.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**ADJOURNMENT OF EXECUTIVE SESSION:**

At 7:51 PM, **MOTION** by Trustee Spencer, seconded by Trustee Stewart to leave Executive Session and return to regular Village Meeting.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

**MOTION** by Trustee Stewart, second by Trustee Spencer to regretfully accept the resignation of Trustee Carolyn Benedict from the Board of Trustee, effective March 31, 2021.

**ADOPTED** Ayes 6 MacKerchar, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain Benedict Absent 0

**ADJOURNMENT:**

At 7:54 PM, **MOTION** by Trustee Spencer, seconded by Trustee Stewart to adjourn the regular Village Board meeting.

**ADOPTED** Ayes 7 MacKerchar, Benedict, Condella, Hoban, McLoud, Spencer, Stewart  
Nays 0 Abstain 0 Absent 0

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Mary Ann Martin, Deputy Clerk

**ANNOUNCEMENTS:**