

MINUTES of a Special Meeting of the Village Board of Trustees held Wednesday, February 26, at 5:30PM Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor R. Church; Trustees W. Allison; C. Christensen; D. Reeve; R. Stewart; Clerk/Treasurer G. Meeks; Police Chief M. Hulse; Municipal Board Chairman R. French

ABSENT: Trustees C. Benedict; B. Winslow; Attorney Ed Brockman; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; CEO B. Lyon; Fire Chief J. Housel

News Media present: Gwen Chamberlain, Chronicle Express, David Specksgoor, Dundee Observer, and Jim Miller Finger Lakes Times

PUBLIC: Chris Iversen, Sara Purdy, Tim Dennis, Mark Morris, Doug Paddock, Elden Morrison, Bob Clark, Leslie Church, Leland Sackett, Gary Montgomery, Margaret Dunn, James Smith, Bill Holgate, Dan Banach, Bonnie Percy, James Multer, Atty. Scott Falvey, Shawna Bonshak, Mr. & Mrs. Taylor Fitch, Mike & Patty Christensen, Karen Montgomery,

At 5:30 PM Mayor Church called the Special Village Board meeting to order.

Mayor Church explained this is a Special Board meeting with Yates County Legislature regarding the Development Agreement for the Waterfront Project.

At 5:30PM Yates County Legislator Chairman Tim Dennis open the Special Yates County Legislature meeting.

MOTION by Legislator D. Paddock, seconded by Legislator J. Multer to authorize Resolution No 85-14, Authorizing Chairman to enter into a Development Agreement with the Village of Penn Yan and Keuka Outlet Development LLC concerning the remediation and redevelopment of the Penn Yan Marine Property.

WHEREAS, Yates County acquired fee title through a tax foreclosure proceeding to an approximately 14.7 acre parcel of real property on the east bank of Keuka Lake Outlet, commonly referred to as the *Penn Yan Marine Property*, located in the Village of Penn Yan, Town of Milo, County of Yates, State of New York, bearing a current tax map number of 61.26-1-1, commonly known as 15 Waddell Avenue, and as more particularly described in a Tax Deed to Yates County dated May 27, 1998 and recorded May 27, 1998 in the Yates County Clerk's Office in Liber 398 of Deeds, at page 638 (hereinafter referred to as the "Penn Yan Marine Property"); and

WHEREAS, Yates County by prior resolution authorized and did issue a Request for Development Proposals (hereinafter referred to as the "RFP") soliciting proposals for the redevelopment of the Penn Yan Marine Property; and

WHEREAS, in response to the RFP, Keuka Outlet Development LLC, through an affiliate, proposed to remediate the adverse environmental conditions at the Penn Yan Marine Property and develop, among other things, a residential neighborhood complete with roads, utilities, and housing stock (the "Proposed Development"); and

WHEREAS, after analyzing the proposals submitted in response to the RFP, Yates County has selected the Proposed Development as being in the best interests of County; and

WHEREAS, the Penn Yan Marine Property lies within the boundaries of the Village of Penn Yan and, as such, the Village of Penn Yan has considered the Proposed Development and determined it will be of benefit to Village; and

WHEREAS, Yates County, the Village of Penn Yan and Keuka Outlet Development LLC desire to enter into an agreement with respect to the Proposed Development and the matters ancillary and directly related thereto, including the remediation and redevelopment of the Penn Yan Marine Property by Keuka Outlet Development LLC, and matters related to the transfer of title of the Penn Yan Marine Property; and

WHEREAS, to this end, a proposed Development Agreement between Yates County, the Village of Penn Yan and Keuka Outlet Development LLC has been duly submitted and presented to the Yates County Legislature as its special meeting held this 26th day of February, 2014;

NOW, THEREFORE, BE IT RESOLVED, that on behalf of Yates County, the Chairman of the Legislature may enter into a written development agreement with the Village of Penn Yan and Keuka Outlet Development LLC, wherein the parties will assume certain obligations ancillary and directly related to the Proposed Development, including the remediation and redevelopment of the Penn Yan Marine Property by Keuka Outlet Development LLC, and matters related to the transfer of title of the Penn Yan Marine Property; and be it further

RESOLVED, that to this end, the form and substance of the aforementioned proposed Development Agreement presented at this special meeting of the Yates County Legislature on February 26, 2014, by and among Yates County, the Village of Penn Yan and Keuka Outlet Development LLC setting forth the

undertakings of these parties with respect to the Proposed Development is hereby approved and the Chairman of the Legislature is hereby authorized on behalf of the County, to execute and deliver said proposed Development Agreement; and be it further

RESOLVED, that a copy of this resolution be given to the County Attorney, County Treasurer, County Planner, County Administrator, Village of Penn Yan and Keuka Outlet Development LLC.

Discussion: Chairman Dennis explained the Resolution has been a combination of several years of effort on the part of a lot of people. He mentioned the Waterfront Committee has been through several scenarios regarding the Penn Yan Marine Site and Keuka Outlet corridor. Chairman Dennis wanted to thank the original members – James Barden, Bob Evans, Taylor Fitch, Steve Griffin, Mike Linehan, Mayor Doug Marchionda, Jr., Bob Multer, Cliff Orr, Roger Ribble, Jim Ritter, Jack Snow, John Socha and Sara Purdy. Other members are Mayor Bob Church, Leslie Church, Dave Reeve, Julie Engel, Jim Harris, Wayne Davidson, Dick Osgood and Brent Bodine.

Chairman Dennis also would like to thank our County Planner, Shawna Bonshak and Sara Purdy has been coordinating all the various aspects of the many paths we have been down to get to this point. Atty. Scott Falvey his advice and counsel were invaluable; you are a true assets to our function.

Chairman Dennis explained while there will be three of us signing the development agreement, there is one man whose signature is all over this project. That is Taylor Fitch. He has been dedicated to the economic development of the entire county but this project probably would not be at this point without his efforts. Thank you Taylor.

Chairman Dennis explained this is another step in a mutual relationship with Yates County and the Village of Penn Yan. Chairman Dennis is excited about the possibilities of this development and future growth in this neighborhood. Mayor Church for his leadership and the negotiations and bargaining that got us here tonight. Chairman Dennis thanked Mayor Church for his dedication in improving our relationship and showing what can be achieved through cooperation.

Chairman Dennis stated Chris Iversen; you have the vision, the experience and the team to make this happen. Thank you for your confidence in Yates County and Penn Yan. This development and your overall vision should result in a revitalized and prosperous Keuka outlet corridor.

Trustee Morrison mentioned he and the other freshman members of the Legislation have struggled to catch up on this, he thanked Shawna Bonshak, Sara Purdy and Chairman Dennis for their patience.

ADOPTED Ayes 14 Dennis, Banach, L. Church, Clark, Dunn, Holgate, Montgomery, Morris, Morrison, Multer, Paddock, Perry, Sackett, and Smith
Nays 0 Absent 0

At 5:35PM **MOTION** by Legislature Paddock, seconded by Legislature Dunn to close the Special County Legislature meeting.

ADOPTED Ayes 14 Dennis, Banach, L. Church, Clark, Dunn, Holgate, Montgomery, Morris, Morrison, Multer, Paddock, Perry, Sackett, and Smith
Nays 0 Absent 0

MOTION by Trustee Reeve, seconded by Trustee Allison to authorize Resolution No 8-2014 Authorizing Execution of a Development Agreement with Yates County and Keuka Outlet Development LLC.

WHEREAS, Yates County (the “County”) is the fee owner of an approximately 14.7 acre parcel of real property on the east bank of the Keuka Lake Outlet, commonly referred to as the Penn Yan Marine Property (the “Property”); and

WHEREAS, portions of the Property have been determined to require remediation; and

WHEREAS, the Village of Penn Yan (the “Village”) is desirous of improving water, sewer, utility and roadway infrastructure (the “Infrastructure Improvements”) to serve property located between the east bank of the Keuka Lake Outlet and East Lake Road, including in the vicinity of Mace Street, Hick’s Street, Waddell Avenue and Monell Street, which area would encompass the location of the Property; and

WHEREAS, the Village, in the course of its continuing administration and management activities, has determined to apply for financial assistance from the Environmental Facilities Corporation to facilitate installation of certain of the Infrastructure Improvements relating to water and sewer; and

WHEREAS, the County has submitted an application to the New York State Department of Environmental Conservation (“NYSDEC”) seeking to include the Property in the Brownfield Cleanup Program (“BCP”), which application is currently undergoing review; and

WHEREAS, Keuka Outlet Development LLC (“Keuka”) is desirous of taking title to the Property so it can implement the required remediation under the BCP, and when complete, construct a development project on the Property consisting of residences and associated roads, utilities, and other ancillary features (the “Proposed Development”); and

WHEREAS, the County is desirous of having Keuka take title to the Property to implement the required remediation under the BCP, and considers the remediation and redevelopment of the Property to be of benefit to the County; and

WHEREAS, although the Infrastructure Improvements would not be constructed on the Property, they have the potential to facilitate the Proposed Development; and

WHEREAS, the Property lies within the boundaries of the Village and, as such, the Village considers that the remediation and redevelopment of the Property would be of benefit to Village; and

WHEREAS, the Village, the County and Keuka desire to enter into an agreement with respect to the Proposed Development and the matters ancillary and directly related thereto, including the remediation and redevelopment of the Property by Keuka, and matters related to the transfer of title of the Penn Yan Marine Property; and

WHEREAS, to this end, a proposed Development Agreement between the Village, the County and Keuka has been duly submitted and presented to the Village Board of Trustees at its special meeting held this 26th day of February, 2014; and

NOW, THEREFORE, BE IT RESOLVED, that the proposed execution of a written development agreement with Yates County and Keuka Outlet Development LLC constitutes a Type II action under the State Environmental Quality Review Act (“SEQRA”), in that it constitutes routine and continuing agency administration and management and/or the conduct of preliminary planning activities (as the Village’s obligations under such development agreement would be contingent upon obtaining all permits and approvals necessary and completion of a SEQRA process for the Infrastructure Improvements and Proposed Development); and

RESOLVED, on behalf of the Village, the Mayor may enter into a written development agreement with the County and Keuka in the form and substance attached to this resolution, which development agreement is hereby approved and the Mayor is hereby authorized on behalf of the Village, to execute and deliver said proposed Development Agreement; and be it further

RESOLVED, that a copy of this resolution be given to the Village Attorney, village Clerk, Yates County and Keuka Outlet Development LLC.

Discussion: Mayor Church also wanted to thank Mike Christensen, Dave Reeve, Doug Marchionda, Jr. Shawna Wilber, Atty. Brockman, Gary Meeks and Brent Bodine without all these people it would not have been possible. Mayor thanked the County, Taylor Fitch, Tim Dennis, Sara Purdy and Shawna Bonshak for their patience with me and thanks to the complete County Legislation Board for understanding the value of this to the community and thanks to Rom French Municipal Board Chairman for his contributions. Mayor feels this will be fantastic and looking forward to seeing everything developed. Mayor Church thanked Chris Iversen for what he is doing, investing in our Community like the Water Street project and now the hotel. It shows he believes in this community.

Trustee Reeve mentioned we have had seven different Attorneys on this over the course of time, thank them for all for their legal assistant.

Trustee Allison mentioned he has been involved since 1998 when this was first a vision; he was one of the few that put it in as a proposal to have this land developed. He Thanked Taylor Fitch, Chairman Dennis and all the rest. This is a historic moment for the Village of Penn Yan and Yates County - Thank you.

ADOPTED Ayes 5 Church, Allison, C. Christensen, Reeve, Stewart,

Nays Absent C. Benedict, Winslow

Mayor Church invited Chris Iversen and Chairman Tim Dennis to step forward and sign the three copies of the Development Agreement. Audience applauded at this time.

A copy of the signed agreement was given to Chris Iversen, Chairman Dennis and Mayor Church for their records.

ADJOURNMENT:

At 5:40 PM, **MOTION** by Trustee Allison, seconded by Trustee C. Christensen to adjourn the Special Village Board meeting

ADOPTED Ayes 5 Church, Allison, C. Christensen, Reeve, Stewart

Nays 0 Absent: Benedict, Winslow

Mary Ann Martin, Deputy Clerk