

MINUTES of a Special Board Meeting and Budget Workshop of the Village Board of Trustees held Monday, March 23, 2015 at 10:00 AM Village Hall, 111 Elm Street, Room 202, Penn Yan, NY 14527

PRESENT: Mayor L MacKerchar; Trustees W. Allison; C. Benedict; C. Christensen; B. Church; R. Stewart; Attorney Ed Brockman; Clerk/Treasurer G. Meeks; Police Chief M. Hulse; Director of Public Works B. Bodine; Assistant Director of Public Works B. Jensen; Chief M. Clancy

ABSENT: Trustees D. Reeve; CEO B. Lyon; Fire Chief J Housel

News Media present: Gwen Chamberlain, Chronicle Express

PUBLIC: None

Mayor MacKerchar called the Special Village Board meeting to order at 10:00 AM

The Keuka Outlet Development, (Chris Iversen) will be developing a small area in the North West corner of the Firemen’s Field which will benefit the Public, plus installation of a pathway from the Penn Yan Marine property to Mace Street across the Firemen’s field. There will be a public dock that will be installed in the corner of the Firemen’s Field. Atty. Brockman stated that the development does not include any transfer of title of any portion of Firemen’s Field. The Village is allowing the dock and a boat basin to be located in the Northwest corner of the Firemen’s Field. These will both be for public use. A small portion of the boat basin will be located on the Fireman’s Field.

MOTION by Trustee Benedict, seconded by Trustee Church to ratify and affirm the Village Board of Trustee as lead agency.

Mayor called for a Roll call vote

Trustee Stewart	Aye	
Trustee Benedict	Aye	
Trustee Allison	Aye	
Mayor MacKerchar	Aye	
Trustee Church	Aye	
Trustee Christensen	Aye	
Trustee Reeve	Absent	Carried

Atty. Brockman, before reviewing the SEQRA, asked the Village Board if they reviewed the SEQRA and the proposed resolutions before the meeting and if they had any questions or concerns. All Trustees present and the Mayor indicated that they had reviewed the document. No comments from the Board and Atty. Brockman reviewed Part II of the SEQRA with the Village Board, with the Trustees providing the answers to the questions therein.

MOTION by Trustee Church, seconded by Trustee Christensen to authorize Resolution No 19-2015 MAKING a DETERMINATION OF SIGNIFICANCE UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT RELATING TO THE WATERFRONT REVITALIZATION/REDEVELOPMENT PROJECT

WHEREAS, pursuant to prior Village of Penn Yan resolutions, the Village of Penn Yan (the “Village”), together with the County of Yates (the “County”) and Keuka Outlet Development LLC (“Keuka”), entered into that certain Development Agreement dated as of February 26, 2014 (the “Development Agreement”) governing the terms and conditions of the redevelopment of the approximately 14.7 acre former Penn Yan Marine site on the east bank of the Keuka Outlet (the “Property”), which Development Agreement has since been amended by the parties thereto, but which such amendment is not relevant for purposes of this resolution; and

WHEREAS, in furtherance of their obligations under the Development Agreement, the County and Keuka have entered into a Brownfield Clean-up Agreement with the New York State Department of Environmental Conservation (“DEC”) and provided to DEC a remediation plan which has been approved and accepted by that agency, and

WHEREAS, in furtherance of their obligations under the Development Agreement, the County has agreed to transfer title to the Property to the Village and the Village has agreed to transfer title to Keuka, and the Village has approved same by separate resolution, so that Keuka can implement the required remediation of the Property under the Brownfield Clean-up Agreement and construct a development project on the Property (“Proposed Development”), and so that the Village can construct water, sewer, utility and roadway infrastructure improvements (“Infrastructure Improvements”) to serve the waterfront redevelopment area and the County can fulfill its obligations under the Development Agreement (collectively, the proposed transfer of the Property, the Proposed Development, and the Infrastructure Improvements are referred to as the “Waterfront Revitalization/Redevelopment Project” or the “Project”), and

WHEREAS, Keuka has further proposed as part of its redevelopment plans, and the Village has approved by separate resolution, that Keuka shall, at its own expense, install and construct certain enhancements to Village property located adjacent to the Property commonly known as Fireman’s Field (the “Fireman’s Field Enhancements”) and that Keuka and the Village shall enter into a Shoreline Improvement Agreement governing

Keuka’s entry onto Fireman’s Field for purposes of implementing the proposed enhancements and the terms and conditions for the design, implementation of such enhancements and the donation of such enhancements to the Village by Keuka for public use and the Village’s acceptance of same, and

WHEREAS, pursuant to prior Village of Penn Yan resolutions, and in compliance with the provisions of the New York State Environmental Quality Review Act (“SEQRA”), as set forth in Article 8 of the Environmental Conservation Law, and the requirements of the SEQRA regulations at 6 NYCRR Part 617, the Village resolved that it would serve as lead agency for purposes of a coordinated environmental review of the Project under SEQRA, that the Project was classified as a Type I action, that the Project would not result in any significant adverse environmental impacts and that a “negative declaration,” as defined in the SEQRA regulations, would be prepared, filed and published pursuant to SEQRA, and

WHEREAS, pursuant to SEQRA and the SEQRA regulations, the Village has now further considered the significance of the potential environmental impacts of the Fireman’s Field Enhancements as an additional part of the Project by (a) using the criteria specified in Section 617.7 of the Regulations and (b) examining the Supplemental EAF for the Fireman’s Field Enhancements, including the facts and conclusions in Part 1 of the Supplemental EAF and completing Parts 2 and 3 of the Supplemental EAF, together with examining other available supporting information, to identify the relevant areas of environmental concern and (c) thoroughly analyzing the identified areas of relevant environmental concern.

NOW THEREFORE BE IT RESOLVED THAT,

Based upon an examination of the original EAF and the Supplemental EAF and other available supporting information, as well as information provided by involved agencies and the consultants for Keuka and the Village’s consultants, and considering both the magnitude and importance of each relevant area of environmental concern, and based further upon the Village’s knowledge of the waterfront development area surrounding the Project and of Fireman’s Field and such further investigation of the Project and its potential environmental impacts as the Village has deemed appropriate, the Village makes the following findings and determinations:

A. The Project, with the addition of the Fireman’s Field Enhancements, is described in the Original EAF and the attachments thereto and the Supplemental EAF and attachments thereto;

B. The Project, including the Fireman’s Field Enhancements, is a Type I action; and

C. The Village has duly acted as a lead agency for purposes of undertaking a coordinated review with respect to the Project, including the Fireman’s Field Enhancements; and

IT IS HEREBY FURTHER RESOLVED THAT

The Village ratifies and affirms its prior finding that the Project will not result in any significant adverse environmental impacts, and the Village further finds that the Project, including the Fireman’s Field Enhancements, will not result in any significant adverse environmental impacts; and

A “negative declaration” as that term is defined in the SEQRA regulations, shall be prepared, filed and published pursuant to SEQRA.

Mayor called for a Roll call vote

Trustee Stewart	Aye	
Trustee Benedict	Aye	
Trustee Allison	Aye	
Mayor MacKerchar	Aye	
Trustee Church	Aye	
Trustee Christensen	Aye	
Trustee Reeve	Absent	Carried

Atty. Brockman explained that the first line of the resolution reads “Transfer of Certain Property”. This has nothing to do with the Firemen’s Field – there is no transfer of property with respect to the Firemen’s Field. This is a reference to the transfer of the Penn Yan Marine site to Iverson’s firm. Atty. Brockman stated the title will come from the County to the Village and the Village will immediately transfer the Penn Yan Marine site to Chris Iverson’s firm. Atty. Brockman mentioned the boundary line agreement will settle any issues regarding where the line is between the Penn Yan Marine site and the Firemen’s Field. The boundary line agreement will establish the boundary line along an extension of Hicks Street out to the Outlet. The Improvement Agreement will allow Keuka Outlet Development (Mr. Iversen’s Firm) to install the pathway along the Outlet across Firemen’s Field and also install the dock and a portion of the boat basin at the North West corner of the Firemen’s Field, all for the public benefit, without any transfer of ownership of any portion of Firemen’s Field. Atty. Brockman asked for any questions or comments. None were indicated.

MOTION by Trustee Stewart, seconded by Trustee Allison to authorize Resolution No 20-2015 AUTHORIZING THE TRANSFER OF CERTAIN PROPERTY TO KEUKA OUTLET DEVELOPMENT LLC, AND THE EXECUTION AND DELIVERY OF A BOUNDARY LINE AGREEMENT AND SHORELINE IMPROVEMENT AGREEMENT, IN CONNECTION WITH WATERFRONT REVITALIZATION/REDEVELOPMENT PROJECT.

WHEREAS, pursuant to prior Village of Penn Yan resolutions, the Village of Penn Yan (the “Village”), together with the County of Yates (the “County”) and Keuka Outlet Development LLC (“Keuka”), entered into that certain Development Agreement dated as of February 26, 2014 (the “Development Agreement”) governing the terms and conditions of the redevelopment of the approximately 14.7 acre former Penn Yan Marine site on the east bank of the Keuka Outlet (the “Property”), which Development Agreement has since been amended by the parties thereto, but which such amendment is not relevant for purposes of this resolution; and

WHEREAS, in furtherance of their obligations under the Development Agreement, the County and Keuka have entered into a Brownfield Clean-up Agreement with the New York State Department of Environmental Conservation (“DEC”) and the Property has been accepted into the DEC’s Brownfield Clean-Up Program, and

WHEREAS, the other conditions precedent contained in the Development Agreement which were to be completed prior to the conveyance of title to the Property from the County to the Village have been fulfilled or waived, the County has resolved to convey the Property to the Village and the Village is prepared to accept title to the Property from the County; and

WHEREAS, the Village is prepared to convey by deed the Property to Keuka pursuant to the terms of the Development Agreement and Keuka has informed the Village that it is prepared to close on the transfer of title, undertake its obligations under the Brownfield Clean-up Agreement and move forward with the balance of its obligations under the Development Agreement; and

WHEREAS, in the course of the examination of title to the Property, the County, Village and Keuka became aware of a discrepancy in the legal description of the southwest corner of the Property located adjacent to lands owned by the Village commonly known as Fireman’s Field, which discrepancy has now been resolved; and

WHEREAS, in order to eliminate the potential for any future misunderstanding regarding the boundary line between the Property and Fireman’s Field, Keuka has proposed the execution of a boundary line agreement between the Village and Keuka; and

WHEREAS, during the design development stage of its redevelopment project, Keuka proposed to the Village that, as part of its overall redevelopment, it shall enhance the recreational activities available to the public at Firemen’s Field by (i) extending the boat basin to be constructed on the Property in a southwesterly direction to afford access through Fireman’s Field to a newly excavated waterway, (ii) constructing that portion of a public walkway to be known as the Outlet Trail across the frontage of Fireman’s Field along Keuka Lake Outlet and (iii) installing a bulkhead to support the new waterway and a publicly accessible dock on Fireman’s Field, all of which shall be constructed at the expense of Keuka and donated to the Village for public use; and

WHEREAS, the Village has considered the proposed improvements to Fireman’s Field and has found them to be consistent with, and an enhancement of, the public recreational use of Fireman’s Field, and an opportunity to have a least a portion of the shoreline of Fireman’s Field improved for the public’s use and enjoyment; and

WHEREAS, the Village has accordingly proposed the execution of a Shoreline Improvement Agreement with Keuka, the terms and conditions of which will grant Keuka temporary access to enter upon Fireman’s Field and which shall govern the design, implementation and donation of the proposed enhancements of Fireman’s Field by Keuka and acceptance by the Village of the same.

NOW THEREFORE BE IT RESOLVED:

That the Village shall accept the deed to the Property from the County, the form of which shall be approved by the Village Attorney, and that the Mayor is authorized to execute and deliver the deed and the ancillary documentation necessary for the recordation of the deed in the County Clerk’s Office; and be it further resolved

That the Village shall convey by deed the Property to Keuka, subject to the terms of the Development Agreement, that the form of all transfer instruments shall be approved by the Village Attorney including the form of the promissory notes and mortgage to be delivered by Keuka as partial consideration for the transfer of title to the Property, and that the Mayor is authorized to execute the deed and the ancillary documentation necessary for the recordation of the deed in the County Clerk’s Office; and be it further resolved

That the Village shall enter into that certain Boundary Line Agreement, the form of which shall be approved by the Village Attorney, and that the Mayor is authorized to execute and deliver same to Keuka for recordation in the County Clerk’s Office; and be it further resolved

That the Village shall enter into that certain Shoreline Improvement Agreement granting Keuka temporary access and entry upon Fireman’s Field and providing the terms and conditions for the design, implementation and donation of the enhancements by Keuka and acceptance of the same by the Village, the form of which agreement shall be approved by the Village Attorney, and that the Mayor is authorized to execute and deliver such agreement, and be it further resolved

Mayor asked for a Roll call vote:

Trustee Stewart	Aye
Trustee Benedict	Aye
Trustee Allison	Aye

Mayor MacKerchar	Aye	
Trustee Church	Aye	
Trustee Christensen	Aye	
Trustee Reeve	Absent	Carried

Trustee Allison asked Fire Chief Clancy you know there has been comments out there regarding we are selling the land up and you know that is not true. Chief Clancy stated we don't seem to have that discussion over there – it seems to be coming from other community parties. Atty. Brockman and Mayor MacKerchar both pointed out there is no transfer of Village property. The Firemen's Field is still under the Village. Trustee Allison explained this is just another clean up over there. Atty. Brockman stated the property where the docks and boat basin are going will be built and used by the public it is unusable right now so this will benefit the Community.

Will revise a Motion from the March 17th Village Board meeting total cost for the meeting for the Code Officer was approved for \$311.00 (\$215.00 for the meeting and \$96.00 for a one night stay). We were informed he is a non-member- the cost will need to be adjusted.

MOTION by Trustee Christensen, seconded by Trustee Church to revise the original Motion for Bruce Lyon to attend the NYS Flood Plain & Storm Water Managers Association meeting for April 27-29 in Syracuse, NY. Total cost \$356.00 (\$260.00 for meeting and \$96.00 for one night stay)

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Allison, Trustee Benedict to authorize Trustees Reeve and Stewart to attend a Preservation Conference in Geneva, NY on April 16 - 18th, 2015. Cost \$75.00 per person – total \$150.00.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Church, seconded by Trustee Benedict to approve Resolution No 21-2015 Budget Transfers for 2014-2015

TO:					
Account Id	Description		Date	Totals	
A -1010-4-480	Board of Trustees-Prof Fees/Publications	150			
A -3620-4-480	Safety Inspections-Prof Fees/Publication	1,000			
		<u>1,150</u>			
			General	1,150	
			Electric	-	
			Sewer	-	
			Water	-	
				<u>1,150</u>	
FROM:					
Account Id	Description		Date		
A -1210-4-480	Mayor-Professional & Training	1,150			
		<u>1,150</u>			
			General	1,150	
			Electric	-	
			Sewer	-	
			Water	-	
				<u>1,150</u>	

Budget transfer to allocate funds for Rich Stewart and Dave Reeve to attend New York Statewide Preservation Conference in Geneva April 16-18.

Additionally, budget transfer to allocate funds for Code Enforcement Officer to attend Finger Lakes Building Officials Educational Conference and NYS Floodplain and Storm water Association meetings. Both of these were approved by the Board at the March 17, 2015 meeting.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Church, seconded by Trustee Allison to approve Resolution No 22-2015 Budget Transfers for 2014-2015

TO: **Fund**

Account Id	Description	Date	Totals
A -5110-2-250	Street Maintenance-Cold Patch	2,700	
		<u>2,700</u>	
		General	2,700
		Electric	-
		Sewer	-
		Water	-
			<u>2,700</u>
FROM:			
Account Id	Description	Date	Totals
A -5110-2-270	Street Maintenance-Curbing & Fabric	2,700	
		<u>2,700</u>	
		General	2,700
		Electric	-
		Sewer	-
		Water	-
			<u>2,700</u>

Rough winter and a rash of water main breaks has exhausted cold patch supply and this budget transfer is necessary to replenish supply (20-25 ton) to finish up the year.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Christensen, seconded by Trustee Benedict to authorize two Officers to attend a Police Field Training Officer Course from March 30th - April 3, 2015 at MCC in Rochester. Cost is \$ 352.00 pp – Total cost is \$704.00

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

Village Board moved to another room. Atty. Brockman and Bill Jensen left the meeting at this time.

At 10:26 AM the Village Board started to discuss the Budget Workshop.

Gary Meeks Clerk/Treasurer explained the budget has not changed since last week – it’s a \$45,540 increase to the tax level, which is a 1.64% increase. We need to below 1.68% which is our Tax Cap.

MOTION by Trustee Church, seconded by Trustee Stewart to authorize to increase funding line item A9060-8-800 (Health Insurance) by \$21,177.00.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Church, seconded by Trustee Stewart to authorize to increase line item A8015-4-500 (Historic Preservation – Supplies & Materials) by \$500.00.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Church, seconded by Trustee Christensen to authorize to reduce A1621-4-410 (Contractual Services) by \$50,000. Will do this as a two year project.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

MOTION by Trustee Church, seconded by Trustee Benedict to authorize to increase A1990-4-400 (Contingency) by \$25,000.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

Trustee Church explained the net reduction is \$3,323 and that makes the tax levy increase go from 1.64% to 1.52%.

Chief Clancy left the meeting at 11:15AM.

Trustee Allison asked if a letter could go out to the local Townships who we have a Fire contract with to explain and give them a heads up regarding the increase. This letter will come from the Village but after the budget has been finalized and approved.

MOTION by Trustee Church, seconded by Trustee Christensen to set a Public Hearing on April 6th at 5:15 PM for the Village Budget.

ADOPTED Ayes 6 MacKerchar, Allison, Benedict, Christensen, Church, Stewart
 Nays 0 Abstain 0 Absent Reeve

Trustees Allison and Church have some concern regarding the second floor renovations at the Village Office. Would like to discuss this more before a decision is made. The special committee was made up with Mayor MacKerchar, Trustee Allison, Brent, Bruce, Chief Hulse, Margarita and Danette. It was decide to review this in the Public Works meeting.

ADJOURNMENT:

At 11:28AM AM, **MOTION** by Trustee Church, seconded by Trustee Benedict to adjourn the Special Village Board meeting

Mary Ann Martin, Deputy Clerk