

MINUTES of the *Organizational Meeting* of the Village Board of Trustees held on Monday, evening April 3, 2017 at 5:00 PM in the Village Hall, Room 202

PRESENT: Mayor MacKerchar; Trustees C. Benedict; D. Condella; K. McLoud; D. Reeve; R. Stewart; Assistant Director of Public Works B. Jensen; Deputy Clerk/Treasurer H. Pealer

Absent: Trustees; W. Allison Atty. Ed Brockman; Police Chief M. Hulse; Director of Public Works B. Bodine; Clerk/Treasurer G. Meeks; CEO B. Lyon; Fire Chief M. Clancy; Deputy Clerk MA Martin

News Media; Gwen Chamberlain Chronicle Express

Public:

Mayor MacKerchar called the *Organizational Meeting* to order at 5:00 PM.

MOTION by Trustee Reeve, seconded by Trustee Stewart to set the time of the regular meeting of the Village Board of Trustees for the official year 2017 -2018 at 6:00pm on the third Tuesday of each month in the Village Hall, 111 Elm Street, Room 202.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee McLoud to set the date and time for the 2018 Organizational Meeting for Monday, April 2, 2018 at 5:00PM.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Condella, seconded by Trustee Benedict to designate the Lyons Bank and J.P. Morgan Chase, Five Star Bank, Community Bank NA, as depository banks for the Village funds.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Condella to designate the Chronicle Express for the publication of notices relating to local laws and other proceedings and actions of the Board of Trustees required by law to be advertised.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Condella to approve the re-appointment of David Grace as Acting Village Justice to sit in, in the absence of Justice Conlon for a one-year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee McLoud to re-appoint Bruce Lyon as the Fair Housing Officer for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Condella to approve the re-appointment of Frances Dumas as the Village Historian for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Condella to approve the re-appointment of Brenda Ingram and Chris Wright to the Historic Committee for a three year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee Condella to approve the re-appointment of Brenda Ingram as Chairman of the Historic Preservation District Commission for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Stewart to appoint Jacky Olevnik to the Historic Preservation Commission Board as Alternate Member for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Reeve, seconded by Trustee McLoud to approve the re-appointment of Trustee Stewart as “liaison” to the Historic Preservation Commission for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Condella, seconded by Trustee McLoud to approve the re-appointment Daniel Banach, David Payne and Ray Hamilton to Municipal Utilities Board for a three year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Condella, seconded by Trustee Benedict to approve the re-appointment of Romulus J. French as Chair and Daniel Banach as Vice Chair to Municipal Utilities Board for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Condella to approve the re-appointment of Trustee Willie Allison as “liaison” to the Municipal Utilities Board for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Reeve, seconded by Trustee McLoud to approve the re-appointment of Clifford Orr as the Chair and Stan Olevnik as Vice-Chairman to the Planning Board for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Benedict to approve the appointment of Jean D’Abbracci to the Planning Board for a five year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Stewart to approve the re-appointment of Trustee Dave Reeve as “liaison” to the Penn Yan Planning Board for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Reeve to approve the appointment of Steven Owens and Ruth Davis as members to the Zoning Board of Appeals for a five year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee McLoud to approve the re-appointment of Steven Owens as Chair to the Zoning Board of Appeals for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Stewart to appoint Woody Stenz to the Zoning Board of Appeals as an Alternate Member for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Reeve, seconded by Trustee Stewart to approve the appointment of Trustee Kevin McLoud as “liaison” to the Penn Yan Zoning Board of Appeals for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Condella, seconded by Trustee McLoud to approve the re-appointment of Edward Brockman, Esq. as Village Attorney for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Benedict to approve the appointment of Trustee Richard Stewart as the Equal Opportunity Coordinator for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee Condella to approve the re-appointment of Trustee Richard Stewart as the Village Representative, Alternate Member of the Keuka Lake Watershed Committee and the Keuka Lake Outlet Compact for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Benedict to approve the appointment of Trustee Richard Stewart as the Village American Disabilities Act Officer for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee McLoud to approve the appointment of Trustee Dan Condella as the Village Representative to the Yates County Youth Board for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee McLoud, seconded by Trustee Stewart to approve the re-appointment of Romulus French as the Chair of the Labor/Management & Joint Safety for a one year term.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

Mayor MacKerchar re-appointed Trustee William Allison as Deputy Mayor for a one year term.

The Mayor appointed the following Members and Chairs to the Trustees’ Standing Committees of the Village Board (No need for Board Approval/Vote):

Finance & Administration

Carolyn Benedict, Chair
Willie Allison
Kevin McLoud

Personnel

Richard Stewart, Chair
Carolyn Benedict
Dan Condella

Park & Recreation

Dan Condella, Chair
Rich Stewart
Dave Reeve

Planning & Development

Dave Reeve, Chair
Rich Stewart
Kevin McLoud

Public Safety

Willie Allison, Chair
Dan Condella

Public Works

Kevin McLoud, Chair
Dave Reeve

Carolyn Benedict

Willie Allison

At 5:09 PM **MOTION** by Trustee Benedict, seconded by Trustee Condella to adjourn the Organizational meeting and enter into a Special Village Board meeting.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

At 5: 09 PM **MOTION** by Trustee Benedict, seconded by Trustee McLoud to open the Special Village Board meeting.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee Reeve to authorize Resolution No 39 - 2017 Regarding advance Payment of Claims.

WHEREAS the Board of Trustees of the Village of Penn Yan has determined to authorize payment in advance of audit of claims for public utility services, postage, freight and express charges and healthcare premiums; and

WHEREAS all such claims must be presented at the next regular meeting for audit; and

WHEREAS the claimant and the officer incurring or approving the claim are jointly and severally liable for any amount the board of trustees disallows.

NOW THEREFORE BE IT RESOLVED:

1. The Board of Trustees of the Village of Penn Yan authorizes payment in advance of audit of claims for public utility services, postage, freight and express charges. All such claims must be presented at the next regular meeting for audit and the claimant and the officer incurring or approving the claims are jointly and severally liable for any amount the board of trustees disallows.

2. This resolution is effective immediately.”

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No. 40 - 2017 Procurement Policy

WHEREAS, General Municipal law (GML) §104-b requires every municipality to adopt internal policies and procedures governing all procurement of goods and services not subject to the bidding requirements of GML §103 or any other law; and

WHEREAS the Board of Trustees of the Village of Penn Yan has reviewed the within proposed procurement policy; and

NOW THEREFORE BE IT RESOLVED:

1. The Board of Trustees of the Village of Penn Yan does hereby adopt the following procurement policies and procedures.

2. This resolution is effective immediately.”

Procurement Policy

Purpose

Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner as to assure the prudent and economical use of public moneys in the best interest of the taxpayers; to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost under the circumstances; and to guard against favoritism, improvidence, extravagance, fraud, and corruption. To further these objectives, the governing board is adopting an internal policy and procedures governing all procurements of goods and services which are not required to be made pursuant to the competitive bidding requirements of General Municipal Law, section 103 or of any other general, special, or local law.

Procedures for Determining Whether Procurements are Subject to Bidding

The procedures for determining whether a procurement of goods or services is subject to competitive bidding and documenting the basis for any determination that competitive bidding is not required by law is as follows:

A. Procedure:

1. Purchase Contract above \$20,000*. Purchase Contract – procurement of commodities (e.g. equipment, materials, supplies) Minor service aspect; significant purchase aspect.

2. Contract for public work above \$35,000*. Public Works Contract – contracts from services labor or construction. Minor purchase aspect; significant service aspect.
If it is difficult to determine which bid limit applies, refer to the municipal official (Clerk-Treasurer) (*reasonably anticipated aggregate amount of similar goods in a fiscal year)

B. Documentation: written quotations or proposals.

Please Note: All competitive bids require a public notice in all official newspapers and a Non-Collusive Bidding Certificate – See Bid Procedures List

Statutory Exceptions from Policy and Procedures

Except for procurements made pursuant to General Municipal Law, § 103(3) (through county contracts) or § 104 (through State contracts), State Finance Law, § 162, Correction Law, § 184 and 186 (from “preferred sources,” including articles manufactured in correctional institutions), or the items excepted herein (see below), alternative proposals or quotations for goods and services shall be secured by use of either written requests for proposals, written quotations, verbal quotations or any other method of procurement that furthers the purposes of the General Municipal Law, section 104-b.

- A. Emergencies – unanticipated and threaten the health, safety, or welfare of the Village of Penn Yan’s property or residents. (still work to obtain the lowest cost available)
- B. Professional Services – service that requires special skill and expertise
- C. **State, County and Other public sector Contracts (such as National Joint Power Alliance - NJPA)**
- D. Surplus and secondhand materials and equipment from other governments
- E. Leases and Licenses/Concessions
- F. Sole Source – good or service is in the public interest and available from only one possible source for which there is no equivalent; demonstrate the unique benefits arising from the particular good or service as compared to different good or service, that no other provides substantially similar benefits and that the cost is reasonable.
- G. Installment Purchase Contracts

Methods of Completion for Non-Bid Procurement

The methods of procurement to be used are as follows:

- A. County Contracts
- B. Emergencies
- C. Professional Service
- D. Insurance
- E. Secondhand equipment from other governments
- F. **Other public sector contracts (such as National Joint Power Alliance - NJPA)**

Adequate Documentation

Documentation of actions taken in connection with each such method of procurement is required as follows:

- A. \$1,000 to \$5,000: two verbal quotes
- B. \$5,001 to \$20,000 (\$35,000 Public Work Contracts): three written quotes

Awards to Other than the Lowest Responsible Dollar Offered

Whenever any contract is awarded to other than the lowest responsible dollar offered, the reasons that such an award furthers the purpose of General Municipal Law, section 104-b, as set forth herein above, shall be documented as follows:

- A. There must be documentation and justification of the reason why the purchase is in the best interest of the Village of Penn Yan.

Items Excepted From This Policy and Procedures by the Board

The board sets forth the following circumstances when, or types of procurements for which, in the sole discretion of the governing body, the solicitation of alternative proposals or quotations will not be in the best interest of the Village of Penn Yan.

- A. Emergencies
- B. Small procurement under \$1,000
- C. Local Contractor Preferential Treatment - Goods and Services not subject to bidding requirements or Goods and Services less than \$20,000 and Public Works Contract less than \$35,000, preferential treatment may be given to local contractors within the best interest of the municipality
- D. The Village of Penn Yan encourages businesses owned or managed by women or minorities to provide proposals and/or quotations.
- E. In the event the purchaser has made a good faith effort to obtain the required number of proposals or quotations and is unable to meet the requirement, the purchaser shall document the attempt(s)

Input from Officers

Comments concerning the policies and procedures shall be solicited from officers of the Village of Penn Yan therein involved in the procurement process prior to the enactment of policies and procedures, and will be solicited from time to time hereafter.

Annual Review

The Village Board shall annually review these policies and procedures. The mayor shall be responsible for conducting and annual review of the procurement policy and for an evaluation of the internal control structure established to ensure compliance with the procurement policy. Recommend to include in the Organizational Meeting on the first Monday in April of each year.

Unintentional Failure to Comply

The unintentional failure to fully comply with the provisions of General Municipal Law § 104-b shall not be grounds to void action taken or give rise to a cause of action against the municipality any officer or employee thereof.

Individual(s) Responsible for Purchasing

- Gary Meeks, Clerk-Treasurer
- Holly Pealer, Deputy Clerk-Treasurer
- Mark Hulse, Police Chief
- Brent Bodine, Director of Public Works
- William Jensen, Assistant Director of Public Works
- Don Rapalee, Working Supervisor of Streets Department
- Jason Elliott, Electric Superintendent, Electric Line Crew Chief
- Ron Keech, Water/Sewer Maintenance Supervisor
- Tina Galliher, Water Treatment Plant Chief Operator
- Ben Sward, Wastewater Treatment Plant Chief Operator
- Dan Doyle, Recreation & Facility Director
- Jeff Bergstresser, Building Maintenance Mechanic
- Bruce Lyon, Code Enforcement Officer
- Lynn Axtell, Building Maintenance Mechanic
- Tami Marchionda, Senior Account Clerk Typist
- PY Fire Chiefs, Penn Yan Fire Department

The individuals listed above are authorized to submit purchase order requests for goods and/or services. Those same individuals, or their designee, are also responsible for the acceptance or refusal of said goods and/or services.

Discussion: Trustee Stewart asked if any changes this year. Mayor stated no changes this year.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
 Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Reeve, seconded by Trustee McLoud to authorize Resolution No 41 - 2017 Yearly Meeting, Conferences, Training and Workshops for Penn Yan Village Board and Village employees.

WHEREAS there is to be held during the coming official year a) the New York State Conference of Mayors Annual Meeting and Training School; b) the New York State conference of Mayors and Fall Training School for Fiscal Officers and Municipal Clerks; c) the New York State Conference of Mayors Public Works School, d) the following county association meetings; etc.; and

WHEREAS attendance by certain municipal officers and employees at one or more of these meetings, conference or school benefits the Village of Penn Yan

NOW THEREFORE BE IT RESOLVED:

Section 1. That the following officers and employees are authorized to attend the following schools:

<u>TITLE</u>	<u># of employees</u>	<u>LOCATION</u>
• MEUA Spring Engineering workshop – Feb. or March	5 employees	East Syracuse
• FLWWC Annual Business meeting – Feb.	5 employees	Geneva
• DPW Crew- Equipment show – March	5 employees	Syracuse
• Hard Hat Expo - March (free)	25 employees	Syracuse
• NYWEA meeting – Feb. or March	2 employees	Rochester
• MEUA Semi-Annual spring meeting- March	5 employees	East Syracuse
• FLWWC Spring meeting – April	5 employees	Watkins Glen
• NYAWWA Water Event & Expo -April	1 employee	tbd

- NYRWA Annual Technical Conference- April or May 3 employee tbd
- NYMPA Annual meeting – May 3 employees East Syracuse
- Cornell Local Roads - Spring 4 employee tbd
- FLWWC Spring Workshop – June 4 employees tbd
- FLWW Summer meeting - August field 20 employees PY Fireman’s
- IEEP Annual meeting – September 2 employees East Syracuse
- NYMP- Semi- Annual meeting – Oct 3 employees East Syracuse
- NYCOM Public Works Training – Oct. 2 Employees tbd
- NYCOM – Village – Fall Springs 3 employees Saratoga
- MEUA Fall Engineering Workshop – Nov 5 employees East Syracuse
- Cornell Local Roads – Fall 4 employees tbd
- FLWWC Winter meeting - Dec 5 employees Waterloo
- NYWEA Winter meeting – Dec 3 employees Canandaigua
- MEUA Annual Conference - Aug 2 employees tbd
- AWWA TIFFT Symposium –Sept. 2 employees Liverpool
- MEUA Engineering/Accounting & Finance workshop 3 employees East Syracuse

Section 2. That this resolution is effective immediately.

Section 3. This list approves all possibilities but subject to change.

Section 4. That monies for training, schooling, conferences etc. is available in the budget.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
 Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee McLoud to authorize Resolution No 42 - 2017 Fair Housing Plan

WHEREAS: Federal and New York State Law prohibit discrimination in the sale, rental and financing of housing on the basis of race/color, age, creed, gender, national origin, familial status, marital status, military status, handicap and sexual orientation as groups that need to be protected from discrimination.

The Village of Penn Yan participates in the HUD Community Development Block Grant Program.

The community development Block Grant Program requires that each participating community take specific affirmative action’s to further fair housing.

PROVISIONS OF THE PLAN

The Chief Elected Official shall designate a fair housing officer to be responsible for implementing this plan.

The fair housing officer is charged with the following responsibilities:

1. Become knowledgeable in the fair housing provisions of Federal, State, and Local Laws.
2. Conduct an analysis of barriers to equal housing opportunity, (as per 24CFR570.904).
3. Develop a strategy to overcome any barriers.
4. Review local policy for its impact on housing choice.
5. Compile Fair Housing information and make it available to any interested persons.

6. Disseminate information and answer questions relating to fair housing laws.
7. Assist aggrieved persons.
8. Refer discrimination complaints to appropriate Federal or State Agencies.
9. Maintain a record of actions taken pursuant to this plan.

This plan and related documents shall be posted at: Bulletin Board and Village Website

Discussion: Trustee Reeve asked if this could be included on the village website and placed on the bulletin Board along with having these added to the end of the Resolution.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

MOTION by Trustee Benedict, seconded by Trustee Reeve to approve Penn Yan Firemen's Field Scheduled Events for 2017. May have additions and deletion to the events scheduled throughout the year.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

OTHER COMMENTS:

Mayor congratulated Gwen Chamberlain and staff at the Chronicle-Express for receiving the Willie Taaffe Memorial Yates Award from the Finger Lakes Economic Development Center.

EXECUTIVE SESSION:

No Executive session needed tonight

ADJOURNMENT:

At 5:14 PM, **MOTION** by Trustee Benedict, seconded by Trustee Condella to adjourn the Special Village Board meeting.

ADOPTED Ayes 6 MacKerchar; Benedict; Condella; McLoud; Reeve; Stewart
Nays 0 Abstain 0 Absent Allison

Holly Pealer, Deputy Clerk/Treasurer
Mary Ann Martin, Deputy Clerk