

MINUTES of the Penn Yan Municipal Board Meeting held February 11, 2010 in the Second Floor (corner) Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

ATTENDEES: Chairman Rom French, Commissioners Bruce LeClaire, Dan Banach, Jerry Nissen and David Payne, Village Trustee Willie Allison, Village Clerk/Treasurer Shawna Wilber, Director of Public Works Dick Osgood and Assistant Director of Public Works Brent Bodine

ALSO ATTENDING: Ron Keech, Senior Water/Sewer Maintenance Worker, Village Trustee Bob Hoban, Village Trustee Rich Stewart, Bob Elliott, Elliott Engineering Solutions and Vaughn Baker of the Committee to Preserve the Finger Lakes

Chairman French called the meeting to order at 9:00 am.

MOTION by Commissioner Nissen, seconded by Commissioner Banach to approve the minutes of the Municipal Board meeting held January 14, 2010. Carried.

Vaughn Baker of the Committee to Preserve the Finger Lakes addressed the Board. He has concerns regarding the wastewater that will be generated by the Marcellus Shale gas well drilling project. He asked if this wastewater will be treated at the Penn Yan Wastewater Treatment Plant (WWTP). He was wondering if the DEC or any other agency could override the Village's desire to not treat such waste. Bob Elliott stated 'no' because it is the Village who has the SPDES permit with the DEC and it is up to us to decide what we will and will not treat at the WWTP. He went on to say that no municipal wastewater treatment plant would be able to treat such waste products as-is because of the radioactive chemicals in the products; this waste would need to be pre-treated first. Mr. Baker thanked the Board for taking the time to listen to his concerns and putting his mind at ease. (Mr. Baker left the meeting at 9:10 am.)

Commissioner Banach reported that he recently attended an Association of Counties meeting in Albany and that the state is anticipating billions of dollars in income from the Marcellus Shale gas well drilling project. The project will also create jobs. So, it seems that the drilling will, indeed, happen. While much of what will happen will be out of our control, we need to control what we can. This includes preserving our fresh water aquifers (Yates County is currently working on a Rural Preservation Law) and protecting our infrastructure with a road permitting system.

MOTION by Commissioner Nissen, seconded by Commissioner Banach to recommend to the Village Board that the Municipal bills for the month be paid as follows:

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| Paid Before Audit: | \$350,872.68 | |
| Capital Paid Before Audit: | \$0 | |
| Electric: | \$ 51,054.55 | |
| Water: | \$ 20,175.49 | |
| Sewer: | \$ 24,654.26 | |
| Capital Projects: | \$ 3,562.96 | |
| Total Municipal Audit | \$450,319.94 | Carried. |

Ron Keech, Senior Water/Sewer Maintenance Worker was present to provide the Board with an update on water and sewer projects. The water/sewer crew is connecting services on E. Elm Street to the new water line. Then tie-ins with the side streets can be completed. Mr. Keech will be reviewing the plans for Phase II of the project. He reported that there have been several water main breaks on Liberty Street between Elm Street and Court Street. Breaks in that area are rather common. The 6-inch water main currently being used on Liberty Street could be abandoned and services transferred to the other existing main on the other side of the street. The water line currently in use cannot be flushed because there is only one hydrant and flushing makes problems with the water service to the middle school. A potential capital project would be to upgrade the old mains in that area of Liberty Street (on Chapel Street, Court Street and Maiden Lane) in anticipation of ultimately upgrading the Liberty Street water line.

Director Osgood updated the Board about the water service problem at Glenna Allen's home at 150 Stark Avenue in November. Ms. Allen is seeking relief for a portion of the bill (\$2,336.00) from Stokoe and Long Construction to fix the leak which was the result of a curb stop that was not functioning properly. In the past, the Board did not offer relief for such bills. But, in this particular situation, the Board was wondering if any of our actions contributed to additional costs for the homeowner. Director Osgood spoke to members of the water/sewer crew about the events that occurred. The only thing that he has not yet determined is why there was a delay between the time the contractor came to the site and when the excavation work at the curb box was actually done. He has placed a call to the contractor (Mark Stokoe) but has not yet received a response. The curb box was faulty and needed to be replaced before the water could be shut off. The estimated cost for our water/sewer crew to excavate the curb box and backfill the excavation after the work was completed is about \$200. This sum is based on only the work necessary to excavate the curb box and backfill the excavation after replacement of the box. Any additional considerations from Mr. Stokoe may amend this sum.

Senior Water/Sewer Maintenance Worker Keech asked the Board if it would be possible to bring someone on board during the busier months if Water/Sewer Supervisor Jim Hey is unable to return to work. More water and sewer projects are being done by the municipal crew and, to continue moving forward with planned projects, additional manpower would be helpful. This should be taken into account when the water/sewer budget is being reviewed.

Director Osgood, Assistant Director Bodine and the Municipal Board thanked Mr. Keech for all his hard work and stated that he's doing an excellent job. Director Osgood applauded his work ethic and stated that Mr. Keech's planning skills have greatly improved.

A preconstruction meeting was held on Tuesday regarding the new Brown Street water line. A schedule of operations has been developed and the tentative construction start date is March 1st. Bob Elliott of Elliott Engineering Solutions has not yet sent a Notice to Proceed to the contractor (Genesee Construction Service). Director Osgood, Assistant Director Bodine, Senior Water/Sewer Maintenance Worker Keech and Jim Mueller of Elliott Engineering Solutions will oversee the work performed by the contractor and will do daily on-site inspections. Director Osgood stated that the maintenance and protection of traffic is one of the biggest concerns with a project like this. (Senior Water/Sewer Maintenance Worker Keech left the meeting at 9:50 am.)

Director Osgood mentioned that manhole inspections are being performed by the water/sewer crew and that Senior Water/Sewer Maintenance Worker Keech has been asked to revisit the manholes in which an epoxy material was used to determine its performance. If this material is performing up to its advertised quality, more manholes will be repaired using this material.

Assistant Director Bodine informed the Board that everyone on the electric crew and the staff at the wastewater treatment plant have already taken First Aid, CPR and AED (Automatic External Defibrillator) training. He anticipates that the rest of the employees will receive this training by the end of February. The six AEDs that were ordered are here, and once the training has been completed, the units will be put into service. The Village will be part of the PAD (Public Access Defibrillator) Program. Recreation Director Dan Doyle will submit the appropriate forms to the Finger Lake Regional EMS Council and they, in turn, will notify agencies in our area that we have AEDs in use.

Clerk/Treasurer Shawna Wilber informed the Board that the budget process is underway. Preliminary budgets are due to Clerk/Treasurer Wilber tomorrow for review. The tentative 2010-2011 municipal budgets will be presented to the MUB members during the March 11th meeting; Commissioners Banach and Nissen will review them with Clerk/Treasurer Wilber beforehand, on March 8th at 8:00 am. (Clerk/Treasurer Wilber left the meeting at 10:00 am.)

The letter from the New York Power Authority (NYPA) regarding firm hydro energy for the month of February stated that there will be no reduction in firm hydro energy sales to NYPA's hydropower customers for the period of February 1st through 28th.

Two hydropower plants owned by Seneca Falls Power Corporation are for sale – one is in Waterloo and the other is located in Seneca Falls. In recent weeks, the Board members decided they wanted more information about this and a conference call has been scheduled for Friday, December 19th at 1:00 pm with Municipal Board members and Scott Goodwin of Seneca Falls Power Corporation. Commissioner Payne said that he was informed that those two hydropower plants were shut down because they were in violation of state and environmental regulations. He will provide the Board members with a web site address that provides information about this. The Board agreed to go ahead with the conference call anyway to find out more about the sale of those two plants.

Assistant Director Bodine discussed the New York Power Authority (NYPA) Economic Development Program. When a municipality has an electric customer whose load increases dramatically, that municipality can submit an application to NYPA have its hydropower allocation increased. An important caveat to the program is that the business needs to also be bringing new jobs to the community. For this reason, the opening of the new call center (The Connection) would provide a reason for Penn Yan to apply for an increased hydropower allocation under this NYPA program. Assistant Director Bodine has begun the process of requesting an increase in hydropower. It was suggested that industrial customers who purchase their electricity from Penn Yan be notified that such an Economic Development Program exists. We could ask that they notify us if they are looking to expand their electric load requirements and add more jobs. A letter will be written by Secretary Fox.

The Village will soon be applying for grant money under the Small Cities program which will be used to make infrastructure improvements on Keuka, Sheppard and/or Seneca Streets. We need to have a large enough percentage of the residents on those streets complete an income survey in order to get past the first round of the grant process. When we did not receive many surveys in response to a recent mailing, North Avenue resident Ann Glazier offered to go door-to-door on Sheppard Street, talk to the residents, and convince them to complete the surveys. Yesterday, Mrs. Glazier brought in twenty-two surveys completed by Sheppard Street residents. She also offered to visit residents on Keuka and Seneca Streets who have not yet completed the surveys. Once we receive enough of a response, we can then decide which water or sewer projects to do. The survey for Keuka Street has been completed. The surveys for Sheppard and Seneca Streets have not yet been completed by Rick Willson, who was asked to do those surveys last year but has been dealing with serious health issues since then. Village Engineer Bob Elliott has a surveyor available to do these surveys. Director Osgood will find out from Barbara Johnston of Stuart Brown Associates whether or not we had enough residents respond to the surveys and, if so, on what street(s). We can then focus on those areas and, if those two additional surveys are needed, Rick Willson will be contacted to let him know that we will be hiring another surveyor do the work.

The Board reviewed a letter from James Randall about a utility bill for an apartment house his mother owns at 307 Lake Street. A frozen pipe resulted in severe flooding in the basement and the replacement of a hot water heater. Mr. Randall asked the Board to consider reducing the bill (\$3,144.53) saying that there was no water entering the sewer system, as it dissipated into the ground. The Board members agreed that it would be against existing policy to forgive any portion of the bill. They suggested that a letter stating this position be sent to Mr. Randall and also suggest to him that someone (Mr. Randall, another family member, or perhaps one of the apartment house tenants) regularly check on pipes in the basement. Director Osgood will write a letter of response to Mr. Randall.

Director Osgood discussed the need for a new water sampling port near the Essenhaus in the Town of Benton. Currently, water samples are being taken at the Essenhaus. The problem is that the restaurant is served by a long, large-diameter lateral from the main. A large volume of water must be drawn to ensure that the water tested is from

the main and not stagnant water from the long lateral. All of this wasted water goes into – and overtaxes – an on-site sewage treatment system. A new sampling port could be placed closer to the main so that we have a more representative sample of the quality of the water in that main. This would allow for more accurate sampling reports, which would be mutually beneficial to both Benton and Penn Yan. This would be a joint project – Penn Yan would provide the necessary materials while Benton employees would perform the installation of the new port. The installation would be overseen by Penn Yan employees. The Board asked Director Osgood to contact Town of Benton Supervisor Bob Clark to discuss this project.

The Board was presented with a list of recommended upgrades that RAM Consulting has proposed for the water treatment plant. These items will be discussed during the March MUB meeting.

Director Osgood read a sentence from the report that resulted from the DEC inspection of the WWTP in December that states: “As the RBCs are in need of constant maintenance, repair and rebuilding, we recommend that the Village develop a Repair Reserve Fund to start saving money”. The Board members agreed it would be prudent to establish such a fund and that this option should be investigated. Bob Elliott told the Board that having such a fund would not negatively impact the Village’s ability to secure grant money for WWTP projects. This has not yet been discussed with Clerk/Treasurer Wilber, but it should be a topic discussed when the WWTP’s 2010-2011 budget is reviewed.

Assistant Director Bodine reported that Car #3, the pickup truck currently at the water plant, can’t be used the way it was intended because it does not fit in the garage when the plow and sander are attached. This truck could instead be used at the wastewater treatment plant. Truck #12 – a pickup truck with a plow attached – is currently at the wastewater treatment plant and could be transferred to the Cemetery. A new truck – one that will fit in the garage when the plow and sander are attached – would be purchased for the water treatment plant next year.

MOTION by Commissioner Banach, seconded by Commissioner Payne to transfer Car #3 from the water plant to the wastewater treatment plant and transfer Truck #12 from the wastewater treatment plant to the Cemetery. Carried.

An NYWEA Conference is being held February 24th in Rochester at a cost of \$15 per person. Director Osgood would like to attend.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to authorize Dick Osgood to attend the NYWEA Spring Technical Conference being held February 24th in Rochester at a cost of \$15.00 and use his personal vehicle for this purpose, if necessary. Carried.

There is an EJP seminar being held in Cortland, NY on March 23rd that Director Osgood and Assistant Director Bodine are interested in attending. Topics include Rebuilding America’s Roadways and Water Distribution System Management and Rehabilitation. The cost is \$50 per person.

MOTION by Commissioner Banach, seconded by Commissioner Payne to authorize the attendance of two (2) employees at the EJP Seminar March 23rd in Cortland, NY at a cost of \$50 each. Carried.

Chairman French reminded the rest of the Board about attending the Town of Jerusalem Board meeting being held next Wednesday, February 17th, beginning at 7:00 pm. The Municipal Board is first on the agenda that evening and has been invited to talk about the history of the Town’s sewer contracts for the benefit of those Jerusalem Board members who could not attend the meeting held January 25th. Secretary Fox asked if the Board members received copies of her minutes from the January 25th meeting and they responded ‘yes’; minutes have not yet been received from Town of Jerusalem Clerk Sheila McMichael.

Bob Elliott reported that we should soon have the results of samples taken at the water treatment plant – at the raw water building rather than at the intake – to determine how quickly chlorine dioxide reacts (to what?). He reminded the group that three chemicals are used to make chlorine dioxide and that this should be taken into account when preparing the 2010-2011 budget for the water treatment plant.

Director Osgood mentioned that we have \$32,000 in the water treatment plant budget for the current fiscal year that was earmarked for the cleaning and piping alterations at the Benton Hill reservoir. The money was earmarked after a proposal from Natgun to do this work was approved by both the Municipal and Village Boards in 2009. The tank cleaning and the piping work for the new aeration system should take about two weeks to complete. Bob Elliott will contact Natgun and a contract will be signed. At the same time this work is being done, an aeration system could be installed (either by change order or separate contract).

Chairman French and Commissioner Banach plan to attend the Village Board meeting on February 16th.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to approve payment agreements in the amount of \$4,490.03. Carried.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to adjourn into Executive Session at 12:00 pm to discuss contractual matters. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn out of Executive Session at 12:33 pm and return to the regular meeting. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to hire a Water Treatment Plant Operator Trainee. Carried.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to again adjourn into Executive Session at 12:37 pm to discuss contractual matters. Carried.

(Secretary Fox left the meeting at 12:37 pm.)

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn out of Executive Session at 12:54 pm and return to the regular meeting. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn the meeting at 12:55 pm.

The next Municipal Board Meeting will be held Thursday, March 11th at 9:00 am in the corner meeting room on the second floor of the Village Office building.

Karen M. Fox, Secretary