

MINUTES of the Penn Yan Municipal Board Meeting held February 11, 2011 in the MUB Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

ATTENDEES: Chairman Rom French, Commissioners Dan Banach, Jerry Nissen, Bruce LeClaire and David Payne, Village Clerk-Treasurer Shawna Wilber, Assistant Director of Public Works Brent Bodine and Deputy Assistant Director of Public Works Bill Jensen

ALSO ATTENDING: Mayor Bob Church, Village Trustee Wayne Davidson, Keuka Park Water/Sewer Clerk Carrie Wheeler, Town of Pulteney Water Operator Ken Forenz, Village Engineer Bob Elliott, Account Clerk Laurie Schroeder and Penn Yan resident Bob Hoban

ABSENT: Village Trustee Willie Allison

Chairman French called the meeting to order at 8:33 am.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to approve the minutes of the Municipal Board meeting held January 13, 2011. Motion Carried.

Penn Yan resident Bob Hoban addressed the Board. Mr. Hoban stated that he does not feel the Municipal Board is doing enough to recoup the \$40,000 the Town of Jerusalem still owes to the Village for sewer that it treated. A committee comprised of Town of Jerusalem representatives, Chairman French, Commissioner Banach, Assistant Director Bodine and Village Engineer Bob Elliott which meets periodically to discuss the inter-municipal sewer agreement between the Town of Jerusalem and the Village of Penn Yan. Mr. Hoban stated that he would like to be a part of that committee. Chairman French stated that he did not feel it would be appropriate for a layperson to serve on that committee. He also stated that, if Mr. Hoban has any concerns that he wanted expressed to the committee, he should contact Chairman French, who would then present those concerns to the committee. Mr. Hoban and the Municipal Board agreed that, since the Village treated Jerusalem's sewage, Jerusalem should pay the \$40,000 it owes the Village for that service.

MOTION by Commissioner Banach, seconded by Commissioner Payne to hold an Executive Session at the end of the meeting to discuss personnel and contractual issues. Motion Carried.

Account Clerk Laurie Schroeder apprised the Board of activities in the Municipal office. Ms. Schroeder is responsible for accounts receivable, customer service and shut offs. She also interacts with several agencies on behalf of customers who may be struggling to pay their utility bills. In 2010, the American Red Cross provided \$5,400 for fifty-two Penn Yan Municipal customers, Milly's Pantry provided around \$2,500 and the Salvation Army also contributed funds. Approximately \$150,000 was received from HEAP (the Heating Energy Assistance Program), through the Department of Social Services, to assist Penn Yan electric customers. These agencies contact Ms. Schroeder to find out if there are customers who are facing financial challenges. The agencies then research the situation and make a determination of need. According to regulations established by the Public Service Commission (PSC), the Municipal office cannot send shut off notices to customers for twenty days after the bill due date. Then, the Municipal office needs to give the customer fifteen to eighteen days to pay their outstanding balance or sign a payment agreement. If a payment agreement is enacted, the office must honor to that repayment schedule. The Village's auditors have reported that our record of collection averages twenty-four days, while other municipalities average thirty-five to forty days. Clerk-Treasurer Wilber stated that Ms. Schroeder has other responsibilities in addition to those outlined above. The Board thanked Ms. Schroeder for doing a great job working with our customers.

(Ms. Schroeder left the meeting at 9:04 am.)

After more discussion about the money owed to the Village by the Town of Jerusalem, it was agreed that the outstanding \$40,000 should appear on Jerusalem's monthly sewer bill. Since this has not been on the bills in the past, the Board agreed that a letter from Chairman French should accompany the next sewer bill, which will show this charge.

(Mr. Hoban left the meeting at 9:12 am.)

Commissioner Nissen had a question as to why the Customer Billing line item in the budget shows a reduction of \$10,000. What items have been taken out? Clerk-Treasurer Wilber will research this and present her findings during the March MUB meeting. Commissioner Nissen also had a question about what is charged to the Professional Fees and Publications line item. Clerk-Treasurer Wilber will research this and provide a report before the end of this meeting.

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

Paid before audit	\$430,433.15	
Capital paid before audit	\$ 0	
Electric Fund	\$289,127.72	
Water Fund	\$ 27,479.21	
<u>Sewer Fund</u>	<u>\$ 31,109.03</u>	
Total Municipal Audit	\$347,715.96	Motion Carried.

Clerk-Treasurer Wilber reported that the budget process is underway. Department heads were asked to forward information to her by Friday, February 18th so she can then proceed with the first draft of the 2011-2012 budget. Clerk-Treasurer Wilber plans to present the Municipal budgets to the Municipal Board during its March 10th meeting and present the Municipal and Village budgets to the Village Board during its March 15th meeting. A Public Hearing will be held before the Village Board meets on April 19th and, hopefully, the final budget will be approved during the Board's April 19th meeting. It is anticipated that a Public Hearing to establish water and sewer rates for the next fiscal year will be held during the May Village Board meeting.

Clerk-Treasurer Wilber presented a spreadsheet outlining the Equivalent Dwelling Unit classifications and proposed water and sewer fixed user costs. Since the new Equivalent Dwelling Unit (EDU) billing structure will be put in place for the next fiscal year, a Public Hearing on the EDUs will need to be held so the new rates can take effect June 1st. In addition to the single family home, apartment, hotel and Bed and Breakfast rates outlined on the spreadsheet, a 'food service establishment' category will be added. Food serving establishments with less than fifty seats would equal three EDUs while food serving establishments with fifty or more seats would equal four EDUs. Assistant Director Bodine, Clerk-Treasurer Wilber, Village Attorney Ed Brockman and Village Engineer Bob Elliott will put together an educational program for the public regarding the new EDU rate structure.

Deputy Assistant Director Jensen reported that there was a water main break yesterday afternoon on Liberty Street in front of Attorney Foster's office. There were only a few customers affected while the six inch water line was being repaired. The water/sewer crew completed the repair by 1:30 am this morning. Deputy Assistant Director Jensen stated that the crew did a great job, especially considering that temperatures were in the single digits last night.

Deputy Assistant Director Jensen provided an update on the E. Elm Street water line project. The new water line has been installed from the five points intersection to a point just east of Hamilton Street. Deputy Assistant Director Jensen has contacted the Finger Lakes Railroad and they intend to proceed with the through cut. Deputy Assistant Director Jensen will contact the railroad again to let them know that we'll need to have an estimated cost for the through cut by the end of February so we can make a decision regarding through cut vs. direct bore.

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

Assistant Director Bodine received a letter from the New York Power Authority (NYPA) outlining the changes in hydropower allocations and hydropower contract demands for customers associated with NYPA's economic development program. Through this program, another municipality received an increase of hydropower while Penn Yan and other NYPA municipalities will see a reduction in their hydropower allocations. The Village had a reduction of four kilowatts per month.

There is a policy in place under which customers pay to extend or upgrade their electric service. But, should a policy be put in place regarding collecting funds for such work? Should a certain percentage of the estimated cost be charged up front?

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to enact a new billing policy regarding collecting funds for the extension or upgrade of electric service(s). Going forward, fifty percent (50%) of the cost of extending or upgrading electric service will be charged to the customer up front. This policy will be effective immediately once approved by the Village Board. Motion Carried.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to declare truck #5 (the old bucket truck) as surplus and take it to the Teitsworth Auction in May. Motion Carried.

Assistant Director Bodine presented a draft policy, which has been approved by Attorney Brockman, regarding water consumption not subject to sewer rent.

MOTION by Commissioner Payne, seconded by Commissioner Banach to approve the revised draft of Section 154-5 of the Village Code, approved by Attorney Brockman, which addresses water consumption not subject to sewer rent to read:

- A. All metered water registered by the meter provided by the Village of Penn Yan to any owner of real property which is connected to the Village sewer system shall be subject to the sewer rents established by Section 152-2 or this article.
- B. If the owner of real property which is connected to the Village sewer system has made provisions to separately meter a portion of his water use and shown to the satisfaction of the Board of Trustees of the Village of Penn Yan that said portion will not and cannot enter the Village sewer system, the volume of said portion shall not be subject to the sewer rents established by Section 152-2 of this article.

Motion Carried.

Assistant Director Bodine presented a proposed amendment to the Village Code's Water Use Law. The Board asked that he research how the water extension to Meadowside was handled and that the Water Use Law be written so that it is consistent with past practices. This Law is being reviewed for a potential annexation of property on Widow Hill Road into the village and subsequent extension of an existing water line.

The Benton Hill reservoir will be taken offline, tentatively in April, to test the water distribution system. At this time, there is no plan to take the W. Lake Road reservoir offline for this purpose. The water draw schedules will need to be looked at and adjusted accordingly. Village representatives recently met with representatives of SolarBee to discuss the possibility of putting a THM reduction system in the Benton Hill reservoir at some point.

Deputy Assistant Director Jensen and others took part in a demonstration of a GPS presented by Admar Supply. Such a unit would be used by various Municipal and Village departments and could help locate and map water and sewer lines, valves, manholes and storm drains. A GPS unit could also help locate graves in the Cemetery and conduct a street sign inventory. The purchase of such a unit will be reviewed during budget discussions.

Earlier in the meeting, Commissioner Nissen had a question about what is charged to the Professional Fees and Publications line item. Clerk-Treasurer Wilber researched this and reported that all changes to the Village Code are charged to that line item. There have been a significant number of changes made and Public Notice advertising costs incurred.

The Village has been deemed eligible to receive \$4 million in CWSRF interest-free financing from the New York State Environmental Facilities Corporation's Clean Water State Revolving Fund (CWSRF). Assistant Director Bodine and Village Engineer Bob Elliott are working with Municipal Solutions on the loan application.

Assistant Director Bodine provided the Board with information about the Building Improvement Program being sponsored by the Village and IEEP to encourage our electric customers to upgrade their equipment to ENERGY STAR® products. This program could also be utilized by applicants to the Village's Community Revitalization Committee Building Façade Program. Under the Building Improvement Program, electric customers could receive rebates by purchasing ENERGY STAR® air conditioners, ceiling fans, dishwashers and other appliances or ENERGY STAR® windows. Rebate forms are available from the Municipal office.

The application for the DEC Urban Forestry Grant has been submitted. The grant money will be used to plant trees. We need to make sure there is money in the 2011-2012 budget for the maintenance and removal of trees.

Deputy Assistant Director Jensen reported that the Village may be eligible to receive hundreds of thousands of dollars in CDBG (Community Development Block Grant) funds which has been made available to "assist communities in remedying health, safety and public welfare needs of low- and moderate-income households". The Office of Community Renewal is providing this funding for public water and sewer projects. If the Village submits an individual application, it could be eligible for up to \$600,000 in funding; the Village could be eligible for \$900,000 in funding if an application is submitted jointly with another community. Applications are due by May 27th. If we propose a water or sewer project on Sheppard, Seneca or Keuka Streets, we may be able to use existing income survey data. Clerk-Treasurer Wilber reminded the Board that two Public Hearings would be needed prior to the submission of the application.

Village Engineer Elliott reported that the filter painting project at the Water Treatment Plant (WTP) is going smoothly. The area is well ventilated, so VOCs shouldn't be a problem. Once the painting has been completed, the WTP staff will complete pipe re-connections and put media back into the painted filter. Village Engineer Elliott has Approved the metal preparation work and confined space entry forms for the project.

The Board has discussed the possibility of installing a new water line on Main Street from Elm Street to Court Street and also on Court Street from Main Street to Liberty Street. The Village is pursuing a matching grant for the engineering work. To proceed with the application process, The Village will need to execute an agreement with Elliott Engineering Solutions to perform the work and prepare a Resolution stating that we are committed to executing this agreement if we receive the grant. A proposed agreement will be forwarded to the Village Board for its consideration.

Bid specifications for chemical bids have been reviewed and approved by Water Treatment Plant Chief Operator Matt Yonts and Wastewater Treatment Plant Chief Operator Ben Sward.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to authorize going out for bids for chemicals for the Water Treatment Plant and the Wastewater Treatment Plant. Motion Carried.

A Resolution was prepared by the New York State Department of Transportation (NYSDOT) for the Mayor's signature which states that the Village acknowledges the roadway improvements that will be made in anticipation of the Liberty Street bridge replacement project. Village Attorney Brockman has stated that the Village should probably also secure, in writing, a commitment from the NYSDOT that the state will repair roadways damaged as a result of the bridge replacement detour. The contract to amend curbing for the detour, and erect traffic control devices for use during the detour, will be let in March.

Chairman French and Commissioner Banach plan to attend the Village Board meeting on February 15th.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to approve the payment agreements in the amount of \$6,341.92. Motion Carried.

Assistant Director Bodine keeps a spreadsheet of Purchase Power Adjustment Calculations (PPAC) which show what our largest electric customers use each month and fluctuations in non-metered power (such as streetlights). The Board asked why there are fluctuations in non-metered power. Assistant Director Bodine has been looking into this

and will report back to the Board.

MOTION by Commissioner Banach, seconded by Commissioner Payne to adjourn into Executive Session at 12:15 pm to discuss personnel and contractual issues. Motion Carried.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to adjourn out of Executive Session at 12:45 pm and return to the regular meeting. Motion Carried.

Assistant Director Bodine will talk to Village Engineer Elliott about the agreement prepared by Elliott Engineering Solutions to perform engineering work associated with the design and project management related to the \$4 million dollars in interest-free financing we're applying for.

The Personnel Committee will make recommendations to the Village Board regarding (1) the promotion of Assistant Director of Public Works Bodine to Director of Public Works, (2) the promotion of Deputy Assistant Director of Public Works Jensen to Assistant Director of Public Works and (3) eliminating the position of Deputy Assistant Director of Public Works.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to adjourn the meeting at 12:48 pm. Motion Carried.

The next Municipal Board Meeting will be held Thursday, March 10, 2011 at 8:30 am in the MUB meeting room on the second floor of the Village Office building.

Karen M. Fox, Secretary