

MINUTES of the Penn Yan Municipal Board Meeting held February 14, 2013 in the MUB Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

ATTENDEES: Chairman Rom French, Commissioners Dan Banach, Bruce LeClaire, Leigh Mackerchar and Dave Payne, Village Clerk-Treasurer Gary Meeks, Director of Public Works Brent Bodine and Assistant Director of Public Works Bill Jensen

ALSO ATTENDING: Mayor Bob Church, Village Trustee Rich Stewart, WWTP Chief Operator Ben Sward, Village Engineer Bob Elliott, Keuka Park Water/Sewer Clerk Carrie Wheeler, Mary Zelazny of Finger Lakes Community Health, John Miles, Landlord of 108 Stark Avenue and Brown Street homeowner Bruce Lyon

ABSENT: Village Trustee Willie Allison

Chairman French called the meeting to order at 8:30 am.

Approval of the Meeting Minutes

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to approve the minutes of the January 10, 2013 MUB meeting with no changes or corrections.

MOTION CARRIED.

Public Requests and Comments

1. Mary Zelazny, CEO of Finger Lakes Community Health, addressed the Municipal Board.

Finger Lakes Community Health is remodeling a building on Kimball Avenue. A backflow prevention device is already in place, it has been inspected, and passed the inspection. However, drawings cannot be located for the device.

Ms. Zelazny would like to open the new building March 4th. The Village's main concern is the protection of the public water supply. Since the current device tested fine, Assistant Director Jensen feels that this requirement is being satisfied. An engineer's report, drawings and an application for the approval of a backflow prevention device will still need to be submitted to the Village and, in turn, to the Department of Health (DOH) for review and approval. This process will take a little time.

Rather than postpone the opening of the building, the Municipal Board agreed that the business could open March 4th, with the understanding that they will submit their application for their backflow prevention device to the Village by April 1st. The application will then go to the Department of Health so that the device will have the proper accompanying paperwork required by the DOH.

The DOH has said that it is the Village's decision how it wishes to proceed in this matter.

Since we feel the current device is preventing backflow to the public water system, we are not recommending that the device be changed, but that a design be provided for what's already in place.

In addition, there are some issues with the assembly of the device and the plumbing of the device. It will need to be properly re-assembled and retested to ensure that the configuration is correct.

MOTION by Commissioner Mackerchar, seconded by Commissioner Payne to allow Finger Lakes Community Health to open its new facility on Kimball Avenue, with the understanding that they will submit their application for their backflow prevention device to the Village of Penn Yan by April 1st so that the device will have the proper accompanying paperwork required by the DOH.

MOTION CARRIED.

2. John Miles, landlord of an apartment building at 108 Stark Avenue, appeared on behalf of his apartment #2 tenant, Ellanna Pielow. He is asking for forgiveness of a portion of the sewer charge for January, 2013 in light of the fact that a hot water tank leak resulted in the consumption of 33,400 gallons, whereas, the tenant usually averages 1,300 gallons per month. In a letter prepared by Mr. Miles, he states: "The bill in question is twenty-six times greater than the average bill. The cause for the massive increase of water consumption was a leaking hot water tank. The tenant previously moved from a residence with a history of frozen water pipes and erroneously believed that her lack of hot water may have been due to a frozen pipe and she failed to notify the landlord. The landlord inspects the basements each week and discovered the problem. The majority of the water leaked onto the basement floor, streamed to the sump pump and never entered the sewer. For these reasons, we respectfully request the MUB to adjust the bill, forgiving a sewer charge on water that did not enter the sewer". The January sewer charge was \$175.41. The tenant's average sewer charge has been \$14.62 for the past six months. Mr. Miles is asking the MUB to forgive the difference, \$160.79.

The Board agreed that, before a portion of the bill is forgiven, the basement and sump pump situation should be evaluated to make sure that the water did not enter the sanitary sewer system.

MOTION by Commissioner Banach, seconded by Commissioner Mackerchar to forgive a portion of the January sewer bill for Ellanna Pielow, a tenant at 108 Stark Avenue (a building owned by landlord John Miles) in the amount of \$160.79 contingent upon confirmation that this water could not have entered the public sewer system.

MOTION CARRIED.

3. Mr. Bruce Lyon, addressed the Board. Mr. Lyon owns and is rehabilitating a home on Brown Street and feels that what he is being charged for electric under the current rate structure is somewhat unfair, considering that he has taken measures to conserve electric.

He has changed out the electric heat for baseboard hot water heat and yet his PPA (Purchase Power Adjustment) rate last month was \$4.80, sixty percent of his electric bill. He is looking for a change in the rate structure so that there is a baseline electric charge for residences and so that people who install electric heat pay extra PPA costs, not those trying to conserve electric.

Director Bodine explained that, in order to change our rate structure, we would need to change our tariff. There would be costs associated with this and an application would need to be submitted to the PSC (Public Service Commission) and its approval secured.

Board members asked if there is anything that can be done without going through the PSC. Commissioner Banach suggested looking into what could possibly be done at the local level.

(Ms. Zelazny left the meeting at 8:45 am, Mr. Lyon left the meeting at 9:14 am and Mr. Miles left the meeting at 9:22 am.)

Executive Session Needed?

An Executive Session will not be needed at the end of this meeting.

Municipal Employee - Ben Sward

Municipal employee Ben Sward was in attendance to provide the Board with an overview of activities at the Wastewater Treatment Plant (WWTP). Chief Operator Sward mentioned that a meeting was held with Ken McNerski and Mike Spencer of CASP and Director Bodine, Chief Operator Sward and Village Engineer Elliott on February 7th. The WWTP has resumed taking CASP's high strength waste again, which is good for producing methane at the plant, but there is a limit of one load per day (less than 1,000 gallons).

Director Bodine stated that a schedule of improved effluent management is included in CASP's Industrial Sewer Use Permit and that CASP is contractually obligated to implement Phase III.

(WWTP Chief Operator Sward left the meeting at 9:38 am.)

Audit

MOTION by Commissioner Mackerchar, seconded by Commissioner Payne to approve the audit as presented and to recommend to the Village Board that the Municipal bills for the month be paid as follows:

Electric Fund	\$260,476.18
Water Fund	\$ 8,954.78
<u>Sewer Fund</u>	<u>\$ 8,664.85</u>
Total Municipal Audit	\$278,095.81
CARRIED.	
(plus)	
Facade Program	\$ 15,000.00
<u>General Fund</u>	<u>\$ 27,697.06</u>
Total Village Audit	\$320,792.87

MOTION

Resolutions were presented regarding budget transfers for the WWTP and also the water fund so that money could be moved from one line item to another within the same funds. These transfers will provide more money for hauling sludge from the Wastewater Treatment Plant and maintenance at the Water Plant.

MOTION by Commissioner Banach, seconded by Commissioner Payne to recommend that several Municipal budget transfers be forwarded to the Finance Committee for its consideration and ask that they recommend to the Village Board that these transfers be approved.

MOTION CARRIED.

Electric

NYPA Firm Hydro Energy for February

There will be a 3.3% reduction in firm hydro energy sales on a pro rata basis to all of NYPA's hydropower customers for the period of February 1st through 28th in anticipation of lower water reserves.

Wood Pole Bid Results

Three bids were opened February 12th and the lowest bidder was Cox Industries of Chelmsford, MA.

MOTION by Commissioner Banach, seconded by Bruce LeClaire to authorize the purchase of a truckload of wood utility poles (twelve 35', eleven 40', seven 45' and four 50') from Cox Industries per their bid of \$9,805.30.

MOTION CARRIED.

Winter Engineering Workshop – March 13th and 14th – East Syracuse (\$80/pp)

Per Resolution 16-2012, five (5) employees are authorized to attend this workshop. Four members of the electric crew and Director Bodine plan to attend.

Service Request Needed

There is a wood utility pole on E. Elm Street (near Seneca Street) that looks like a chunk was taken out of it. The Board asked that a Service Request be done so the electric crew could investigate. (NOTE: The Service Request was submitted by Secretary Fox to the Municipal Office February 14, 2013.)

Relocation of Transformer and Pole Storage Site

At the Municipal facility at 396 Elm Street, there are areas for the storage of padmount and pole mount transformers. The storage area currently sits on railroad ties that are not in very good condition. Perhaps the transformers could be stored on the Patchett property. It would be desirable to move the transformers away from the Outlet, since oil containment is a concern. Director Bodine is working on a site plan for the Patchett property and will keep in mind the possibility of transformer storage at that site. Wood poles could also be stored on the Patchett property rather than at the Elm Street facility.

Capital Project Review

Director Bodine presented the Board with a list of electrical capital projects, which includes the CPR (Continuous Property Records) software program so that information about all

poles and transformers in the village can be tracked. Other projects include street light relamping with LEDs, the replacement of bad poles (identified during a recent pole inspection), a metering station upgrade for the Ryder substation and traffic signal upgrades on Main Street at Clinton Street and North Avenue.

Water/Sewer

No-Lead Brass Law

In January of 2011, President Obama signed into law the "Reduction of Lead in Drinking Water Act, which limits the lead content to 0.25% maximum for products in contact with drinking water. The law takes effect in January, 2014 after which it will be illegal to install products that do not meet the new definition of 'lead free' as indicated in the bill.

We have items in our distribution system repair inventory that will not be in compliance with this new law and Water/Sewer Maintenance Supervisor, Ron Keech is identifying those items. He is also currently purchasing no-lead brass in anticipation of the law going into effect.

Letter from Melinda Alden – Forgiveness of Sewer Charge

The Board reviewed a letter from Melinda Alden, a resident at 307 E. Elm Street. In the letter, Ms. Alden states: "Sometime in the beginning of January or very end of December our water tank malfunctioned. Our apartment was empty. 19,300 gallons of water was converted into steam and our 100-year-old house reacted like a sponge and absorbed (the water) into walls, floor joists, insulation, etc. We have dirt floors and any condensation on the floor went into the ground. So I am requesting that \$104.77 of my sewer bill be forgiven. Thank you for your consideration". Director Bodine would like to table the decision to forgive a portion of her bill until next month so that a Village representative can investigate the situation and make a recommendation.

Director Bodine is working on the water/sewer capital project list but is not ready to present it to the Board at this time.

For the Board's information, Director Bodine reported that the DPW had planned to pave Henry Street this year, but this project has been postponed to allow for the replacement of the water main prior to paving. The water main project would be done using in-house labor, not a contractor.

Water Treatment Plant

Automatic Flushers

Money for automatic flushers will be included in the budget for fiscal year 2013-2014. Such flushers are needed at two areas of the water distribution system -- on Northview Drive on the south end of loop near school and on North Main Street by the Kelly Behavioral Center. The cost will be approximately \$10,000 per unit. Each unit would be metered and a backflow prevention device would be installed on the flushers. The backflow devices and automatic flushers will need to be approved by the Department of Health and the Department of Environmental Conservation. The purpose of these flushers would be to help turn over the water at the Benton Hill Reservoir and maintain proper chlorine residuals.

Landscaping at the Water Treatment Plant

Right now, the staff mows an area at the plant near the flagpole. Mowing in that area is

challenging because the bank is steep. Not having to mow this area would save operator mowing time and increase safety. Some landscaping could be done around the flagpole so that mowing would no longer be necessary. Weed-blocking fabric and rock for that area would cost approximately \$8,000. The idea is to landscape in such a way that the area will be virtually maintenance-free. Director Bodine will check to see if money is available in this fiscal year's budget to cover this cost.

Capital Project Review

Director Bodine presented the Board with a list of Water Treatment Plant capital projects. The list includes expansion of the clearwell, the painting of the W. Lake Road Reservoir tank, and the possible establishment of a water tank at Horizon Business Park, if expansion of the water system is needed to the south along Route 14A.

Wastewater Treatment Plant

Authorization to Go Out for Bids for a New Vacuum Truck

Specifications have been written for a bigger and more efficient truck than the current vacuum truck. It would allow more sludge to be handled and processed, saving on the manpower to maintain clarifiers and other operations during regular maintenance of the plant systems. The estimated cost of the unit is \$226,000. A chassis would be sent to the manufacturer and the unit built for that chassis. The Village, Jerusalem and Milo would all pay for this vehicle. Clerk-Treasurer Meeks mentioned that \$145,000 is included in the bond anticipation note, which should cover the Village's portion of this purchase.

MOTION by Commissioner Banach, seconded by Commissioner Payne to authorize going out for bids for a new vacuum truck for the Wastewater Treatment Plant.

MOTION CARRIED.

Authorization to Purchase Flygt Lift Pump for Cherry Street Pump Station

The Board reviewed a letter from WWTP Chief Operator Sward regarding a fourth, standby pump for the Cherry Street pump station. In that letter, he states: "Several years back, rain and snowmelt – coupled with the I & I (Inflow and Infiltration) situation – produced an inflow to the pump station with which the three, 100-hp pumps could not keep up even at maximum speed. Consequently, the wet well level rose to the point that a small amount of sewage leaked out the door onto the paved area, where it was contained. Each of the 100-hp pumps occasionally has to be removed for bearing or seal replacement, leaving only two pumps to carry the load. In 2011, it took over a month for the manufacturer to obtain the needed parts, leaving us with only two pumps for that time period. Weather events that would overwhelm two pumps are not rare at all. We suggest purchasing a standby replacement pump from Flygt, which would match the existing pumps and piping, at a cost of \$32,890.06." Money for the pump is available in this fiscal year's budget.

MOTION by Commissioner Banach, seconded by Commissioner Mackerchar to authorize the purchase of a fourth pump for the Cherry Street pump station from FLYGT at a cost of \$32,890.06.

MOTION CARRIED.

Capital Project Review

Director Bodine presented the Board with a list of Wastewater Treatment Plant capital projects. The list

includes projects that have been submitted as part of our CWSRF loan application (such as digester cleaning, replacement of ten RBCs and the installation of a belt filter press). Other projects, which will not be part of the \$4 million dollar interest-free loan, include the replacement of sludge pumps M19 and M22, a new dump truck, the installation of an automatic front gate with keycard access and the establishment of a sludge composting facility.

Other

Nothing else was reported at this time.

Village Engineer's Report – Bob Elliott

Update on CWSRF

Plans and specifications are being prepared for the WWTP projects that are part of the CWSRF application. Bid specifications will be ready to submit to the DEC and the EFC to review by the end of March.

A decision will need to be made regarding which digester mixing system to use – turbo mixers or linear motion mixers.

When it comes time to replace the RBCs, the roof panels at the WWTP will be removed, the RBCs put in place, and a new roof installed. The RBCs will be factory-assembled, not assembled on site.

A crane will be needed to place the RBCs and also to take the cover off of the digester.

Village Board Meeting

Chairman French and Commissioner Banach plan to attend the Village Board Meeting on February 19th.

Payment Agreements

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to approve the Payment Agreements in the amount of \$16,063.43.

MOTION CARRIED.

Service Requests

[NOTE: Immediately following this meeting, Assistant Director Jensen met with Electric Crew Chief Jef Bodine and it was determined that the meter is working properly. The service request was written by the Municipal Office when monthly readings were taken and indicated extremely lower-than-normal usage. February's read was back on track with normal usage and an estimate usage was billed in January to cover the average usage. We will continue to monitor consumption to determine if this event reoccurs.]

Adjournment

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to adjourn the meeting at

10:58 am.

MOTION

CARRIED.

Next Meeting

The next MUB meeting will be held on Thursday, March 14, 2013 at 8:30 am in the MUB Meeting Room.

Karen M. Fox,

Secretary