

MINUTES of the Penn Yan Municipal Utilities Board Meeting held April 10, 2014 in the MUB Meeting Room of the Village Hall, 111 Elm Street, Penn Yan, NY.

Attendees: Chairman Rom French, Commissioners Dan Banach, Bruce LeClaire, David Payne and Ray Hamilton, Trustee Willie Allison, Clerk-Treasurer Gary Meeks, Director of Public Works Brent Bodine and Assistant Director of Public Works Bill Jensen

Also in Attendance: Village Engineer Bob Elliott, Mayor Leigh Mackerchar, Keuka Park Water/Sewer Clerk Carrie Wheeler, resident Bruce Lyon and resident Elaine Gray

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

Chairman French welcomed Ray Hamilton to the Municipal Board. Mr. Hamilton was sworn in as a MUB Commissioner Monday evening and will finish the 3-year term left vacated by Leigh Mackerchar, who was sworn in as Mayor Monday evening.

Approval of the 3/13/14 Meeting Minutes

MOTION by Commissioner Banach, seconded by Commissioner Payne to approve the minutes of the March 13, 2014 MUB minutes with no corrections. MOTION CARRIED.

Public Requests and Comments

Bruce Lyon – Water Bill for 104 Benham Street Apt. #2

Resident Bruce Lyon asked to address the Board regarding its policy with regard to Payment Agreements as it relates to tenants and landlords. Mr. Lyon will have \$121.90 added to his taxes because of the unpaid water bills of one of his tenants at 104 Benham Street. Unbeknownst to Mr. Lyon, water was shut off to this tenant several times. She repeatedly entered into payment agreements with the Municipal Office so that the water would be turned back on. But she didn't honor those payment agreements. She has since left Penn Yan and Mr. Lyon is now responsible for her unpaid water bills. He feels that, if the landlord will ultimately be the one held responsible if tenants don't pay their utility bills, the landlord should be notified whenever payment agreements are made. The Board agreed that this matter should be referred to Village Attorney Brockman for his input.

Mr. Lyon asked the Board about another matter. He understands the reason for the PPA (Purchase Power Adjustment) that appears on his electric bills each month but asked if there could be a more equitable way of determining that PPA charge so that those who work to conserve electric are not penalized while others are wasteful when it comes to conserving energy. Perhaps those who are consistently below a certain number of kW hours per month could get a break on their PPA charge. Could we change insulation requirements for those who install electric heat so that we can be sure that heat won't be wasted? Director Bodine agreed with this approach and will work with Mr. Lyon (in his capacity as the Village Code Enforcement Officer) to develop and enforce insulation requirements when electric heat is installed. They agreed this should be done before next winter.

Resident Elaine Gray wanted to be in attendance to learn more about PPA charges.

Director Bodine mentioned that the Village is doing what it can to cut down on its own energy use, including replacing old streetlights with new LED fixtures and taking measures to reduce energy losses throughout the electric distribution system.

(Mr. Lyon and Ms. Gray left the meeting at 9:12 am.)

Municipal Employee – Ron Keech

Water/Sewer Maintenance Supervisor Ron Keech was unable to attend today’s meeting, so Assistant Director Jensen provided the Board with an overview of what the water/sewer crew is working on. They are currently working on flushing sewers, connecting services to the new water line on Henry Street, putting in a new sewer line on Mace Street and will be flushing hydrants the last week of April.

Executive Session Needed?

MOTION by Commissioner Banach, seconded by Commissioner Payne to hold an Executive Session at the end of the meeting to discuss the work history of an employee. MOTION CARRIED.

Audit

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

Paid Before Audit:

General	\$28,968.64
Electric	\$425,014.21
Sewer	\$8,760.25
Water	\$9,152.29
CRC	\$0.00
Total Paid Before Audit	\$471,895.39

Current Audit:

General	\$41,955.50
Community Development - CRC	\$0.00
Electric	\$31,058.56
Sewer	\$112,535.34
Water	\$32,530.62
Capital Projects	\$14,188.96
Total Current Audit	\$232,268.98

TOTAL AUDIT	\$704,164.37
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Treasurer's Report

Year-to-Date Revenue and Expense Analysis

The current fiscal year will come to a close May 31st. There is currently a surplus of about \$500,000 in the electric fund and, after several transactions for rents, etc. take place, there should be a surplus of about \$100,000 to \$200,000 at the end of the fiscal year. In the water and sewer funds, the revenues are currently greater than expenses.

Status of Municipal Budgets

The tentative Municipal budgets have been reviewed and approved by the MUB Finance Committee and were then sent to the rest of the MUB members. Today, we hope to approve the Municipal budgets so they can then be passed to the Village Board Finance Committee and then the Village Board for its consideration on April 15th. A Public Hearing has been scheduled for April 15th, prior to the Village Board meeting. Clerk-Treasurer Meeks has prepared a water and sewer rate analysis showing the impact of the proposed budget on water and sewer rates. Water rates will decrease. The sewer fixed user rate will decrease, but the sewer variable rate will increase. For a single family dwelling using an average of about 4,400 gallons of water a month, their combined water and sewer bill for the year would decrease by about \$37.

MOTION by Commissioner Banach, seconded by Commissioner Payne to recommend to the Village Board to approve the municipal budgets for fiscal year 2014-2015 as presented.

MOTION CARRIED.

Electric

NYPA Firm Hydro Energy for April – No Reduction

The current estimate is that there will be no shortages from May, 2014 through October, 2014.

Resolution Naming Director of Public Works as Village Delegate

Village Attorney Brockman drafted a Resolution naming the Director of Public Works as the Village's delegate at MEUA and NYMPA meetings going forward. This way, a separate Resolution will not be needed for every meeting.

MOTION by Commissioner LeClaire and seconded by Commissioner Banach to recommend to the Village Board to adopt a Resolution naming the Director of Public Works as the Village's delegate for MEUA and NYMPA meetings going forward.

MOTION CARRIED.

Tree Trimming Bid Award

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to award the tree trimming bid to Birchcrest Tree and Landscape, Inc. per their bid of \$81,020. MOTION CARRIED.

ECC Technologies – Dark Fiber Installation

The County is working with ECC Technologies for dark fiber installation for municipalities. ECC representatives have met with Director Bodine. ECC is a not-for-profit organization that specializes in unlit glass fiber infrastructure. The goal is to provide connectivity between municipal facilities. This is already in place in Ontario, Schulyer and Steuben Counties, so Penn Yan is surrounded by areas already being served by this technology. They would like to attach messenger wires to our existing poles. This could be done with a pole attachment agreement. ECC would pay us a specific

price for each pole they'd be attached to on an annual basis. They also offered to give us two strands of that fiber to use wherever we'd like in the village. The two strands would allow us to connect the reservoirs, the plants, the cemetery, barns, etc. EEC would also pay for what it costs our crew to do the work to attach the fiber to the poles at the highest possible point they can safely. The crew would need to run a messenger wire (a stainless steel wire that goes from one pole to another and supports the fiber). In addition, they will pay us, per foot, for how much messenger wire we install. From a time standpoint, can our electric crew take on this work? Director Bodine will discuss this with Electric Crew Chief Bodine. If our crew cannot do it, a subcontractor could be hired by ECC. ECC Technologies would like to have the work done before next winter.

Update – T2 at Welker Substation

T2 is back in service at the Welker substation. Director Bodine reported that a fatigued high side fuse link is the reason it was taken out of service. An oil sample was done before the unit was put back into service and revealed no issues.

NYMPA 17th Annual Meeting May 21st

The NYMPA 17th Annual Meeting is being held May 21st in East Syracuse, NY. Three employees are already authorized to attend per Resolution 26-2013.

Water/Sewer

Sewer Bill Forgiveness – 1 Commercial Avenue (\$70.20)

A garden hose was left on by the daughter of the homeowner for several days. It was confirmed by Assistant Director Jensen that none of the water entered the sanitary sewer. Therefore, he is recommending that the Board authorize sewer forgiveness in the amount of \$70.20.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to authorize sewer bill forgiveness in the amount of \$70.20 for 1 Commercial Avenue. MOTION CARRIED.

Sewer Bill Forgiveness – 542 Liberty Street

There was a broken water line at 542 Liberty Street. The daughter of the woman who is the Executrix for her deceased mother, who owned the home, stated in a letter to the MUB that the break was in a crawl space beneath the deck on the back of the home. She is asking for sewer bill forgiveness in the amount of \$1,235.15. Assistant Director Jensen will need to investigate to determine if the leaked water entered the sanitary sewer system. He will report back to the MUB next month.

F.Y.I. – Code Should Reflect Billing Customers to Replace/Repair Meters 1" or Larger

Director Bodine proposed pursuing changing the Village Code to reflect the fact that we bill customers to repair or replace water meters that are one inch or larger. The Board agreed that we should pursue this Code change with Village Attorney Brockman.

Waterfront Sewer Infrastructure Improvements

Assistant Director Jensen presented a map of the proposed waterfront sewer infrastructure improvements. A new sewer manhole will be put in on Mace Street and a new gravity sewer will be placed across Fireman's Field to Hicks Street. A new pump station will be established at the end of

Hicks Street near the Outlet. A new force main on Hicks Street will continue onto Waddell Avenue, which will empty into the Lake Street sanitary sewer. Any sewer improvements that are within the limits of the relocated and rebuilt Mace Street are being done now to facilitate the completion of that project. Help has been received by other entities including the County, the Town of Milo and the Town of Torrey.

Water Treatment Plant

Charge KLOC for Gate Operation?

Would the Village be willing to waive the fee we charge the KLOC to open and close the gates during swiftwater rescue training? Such rescue training is typically held once or twice a year. This request was made by the County and the State, not the KLOC, as a show of support for emergency water rescue training. The recommendation is to allow two training requests a year free of charge; if more training is requested, then there would be a charge. Trustee Allison attempted to call the NYS Office of Fire Prevention and Protection to ask if Office would lower the fees they charge to those who participate in the training if the Village waives the fee. He was unable to reach anyone to get an answer. This will be discussed again during the May MUB meeting.

Wastewater Treatment Plant

PESH Inspection of the WWTP

Director Bodine reported that an unannounced inspection of the WWTP by the PESH (Public Employee Health and Safety) division of the NYS Department of Labor took place last Thursday. This was a totally random visit, not one based on any employee complaints or concerns or any sort of accident. He reported that, overall, the inspection went well. There was a topic discussed which may have some financial impact on the Village. Director Bodine was asked by the PESH representatives if the Village has conducted a noise survey. The answer is that we have not. Such a survey measures the noise level of all of our equipment and then, taking into account how long an employee would be exposed to that noise, determines the level of hearing protection that is recommended. The Department of Labor has offered to conduct this survey free of charge. It was agreed to take them up on their offer. The Village would need to pay to have an audiogram performed on each employee and train all employees as to what level of hearing protection would be needed for each piece of equipment, depending on the hours of exposure to that equipment. There would need to be a written program and yearly follow-ups for such a program.

Other

NextSun Energy Proposal

Back in March, Director Bodine sent an e-mail to the MUB members asking if they wished to pursue an agreement with a company called NextSun Energy. They are proposing that underutilized land in the village could be used as a host site for a solar project. If the Village were to enter into a lease agreement with NextSun, the Village would receive approximately \$3,000 per acre per year that is leased to the company. Amelia Tracy, a NextSun representative, sent a Statement of Qualifications to Director Bodine, which he forwarded to all of the MUB members. The company is currently looking for future solar project sites and would like to talk to the Village about this. The Board agreed that we should pursue it and asked Director Bodine to follow up with NextSun.

Payment Agreements - \$18,817.00

MOTION by Commissioner Banach, seconded by Commissioner Payne to accept the Payment Agreements in the amount of \$18,817.

MOTION CARRIED.

Village Engineer's Report**CWSRF Project Update**

The \$4 million improvement project at the WWTP is moving along. The general contractor has removed the media from one of the RBC trains and will scrap the old metal drums and shafts. The electrical conduit work is nearly completed and the next phase will be to replace the existing RBCs with new ones.

Status of EES Municipal Projects**Water Main Replacement on Lake Street and Hicks Street**

Elliott Engineering Solutions (EES) is currently doing survey work for this project.

Relocation of Waddell Pump Station

One of the proposed waterfront sewer infrastructure improvements is to relocate the pump station from Waddell Street to the end of Hicks Street. Information is currently being obtained from the developer so that plans can be finalized.

Rebuild of Monell Street Sewer**Construction of Gravity Sewer between PY Marine Site and Monell Pump Station****Construction of Monell Pump Station**

Not much will be done with these projects until plans for sewer on Hicks Street have been finalized.

Village Board Meeting

Chairman French and Commissioners LeClaire and Banach plan to attend the Village Board meeting on April 15th.

e-notebooks

Dan Banach suggested that e-notebooks be purchased for each MUB member to use as opposed to them continuing to receive the piles of paper generated for each meeting. He believes there is too much waste and that the e-notebooks would pay for themselves. He asked Director Bodine to look into this and suggested that he call Tim Groth, Director of the Yates County Information Technology Department.

Penn Yan Public Library

As an FYI for the Board, Director Bodine reported that he attended a sketch plan meeting with Penn Yan Public Library representatives yesterday. The sketch outlines the Library's plans to overhaul the parking lot in back of the library. According to the plan, a self-contained storm sewer system will be installed underneath the parking lot, new landscaping will be added, and the number of streetlights in that lot will be doubled.

Service Requests

No comments were made about the Service Requests.

Executive Session

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn into Executive Session at 11:28 am. MOTION CARRIED.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to adjourn out of Executive Session and return to the regular meeting at 12:25 pm. MOTION CARRIED.

Next Meeting

The next meeting of the Municipal Board will be held on Thursday, May 15th at 8:30 am in the MUB Meeting Room.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn the meeting at 12:30 pm. MOTION CARRIED.

Karen M. Fox, Secretary