

MINUTES of the Penn Yan Municipal Board Meeting held April 11, 2013 in the MUB Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

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

ALSO ATTENDING: Mayor Bob Church, Village Engineer Bob Elliott, Keuka Park Water/Sewer Clerk Carrie Wheeler, Village Attorney Brockman and acting Water/Sewer Maintenance Supervisor Jeff Hulse

ABSENT: Village Trustee Willie Allison

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

Approval of the Meeting Minutes

MOTION by Commissioner Payne, seconded by Commissioner Banach to approve the minutes of the March 14, 2013 MUB meeting with no changes.

MOTION CARRIED.

Public Requests and Comments

None at this time.

Executive Session – to be held when Attorney Brockman arrives

Municipal Employee – Jeff Hulse

Acting Water/Sewer Maintenance Supervisor, Jeff Hulse, attended the meeting in Supervisor Keech's absence to update the Board on the activities of the water/sewer crew. A septic system is being installed at 40 Champlin Avenue. The crew placed the tank in the ground and is now doing piping work. A member of the electric crew will take care of any electrical needs for the project. The water/sewer crew will be turning valves and flushing sewer lines this week and hydrant flushing will take place in Penn Yan the week of April 29th. Before Supervisor Keech went out on medical leave, he prepared a list of projects that could be done in his absence; the crew is working on the items on that list.

(Attorney Brockman joined the meeting at 8:37 am.)

(Acting Water/Sewer Maintenance Supervisor Hulse left the meeting at 8:37 am.)

MOTION by Commissioner Payne, seconded by Commissioner Banach at 8:38 am to go into Executive Session to discuss contractual issues and litigation.

MOTION CARRIED.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to return to regular meeting at 9:24 am.

MOTION CARRIED.

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

MOTION CARRIED.

Electric Fund	\$ 53,075.59
Water Fund	\$ 49,537.62
<u>Sewer Fund</u>	<u>\$ 63,950.29</u>
Total Municipal Audit	\$166,563.50

MOTION

CARRIED.

(plus)

Community Development	\$ 33,500.00
<u>General Fund</u>	<u>\$ 78,253.65</u>
Total Village Audit	\$278,317.15

Treasurer's Report

Clerk-Treasurer Meeks reported that a significant amount of work has been done to bring the 2013-2014 fiscal year budgets to their current status. The budgets should be finalized in a week or so. Clerk-Treasurer Meeks would like to meet with several members of both the Municipal and Village Boards and Director Bodine sometime the week of April 22nd to finalize the Municipal budgets. It was agreed that April 24th at 9:00 am was the preferred time to meet. On April 30th, a Public Hearing to approve the budgets will be held at the beginning of a Special Village Board meeting.

Electric

NYPA Firm Hydro Energy for April

There will be no reduction for the period of April 1st through 30th.

NYMPA 16th Annual Meeting

The NYMPA 16th Annual Meeting is being held on Wednesday, May 15th in East Syracuse, NY at a cost of \$55 per person (there is no cost for Director Bodine). There is no MOTION needed, since three employees are authorized to attend per Resolution 26-2013. Director Bodine and Commissioner Banach plan to attend.

Water Meter at Jail

Assistant Director Jensen drafted a letter to Joseph Reed, Maintenance Supervisor for Yates County. This letter will accompany an adjusted water and sewer bill and states:

In October, 2012 you were made aware of a potential problem with the 2" Compound Water Meter at the Yates County Jail. It was determined that the meter required repair and parts were ordered. The repair was completed on March 20, 2013 and we have determined the meter is now reading correctly. We also determined that the meter head on the high flow side had stopped recording at some time in August, thus causing the September, 2012 reading to be considerably lower than previous months. This caused our account clerks to flag the account for investigation.

Since the meter was only recording the low flow side of the system, the remote meter located on the exterior of the building continued to record those values without recording the high demand flows. We have established an estimated use of water from July 16, 2012 to March 18, 2013 (eight months) by averaging the previous 12 months' usage in accordance with Village Code §198-20. This average is 144,166 gallons per month as determined by averaging consumption from 08/15/2011 to 07/16/2012 for a total estimated usage of 1,153,333 gallons. We have subtracted the metered amount of 660,000

gallons taken from the low flow side of the compound meter for a remaining unbilled balance of 493,333 gallons. This estimate has generated approximate unmetered water usage for both water and sewer rent invoices in the amount of \$4,035.46 for water and \$2,471.59 for sewer for the period of July 16, 2012 to March 18, 2013.

Transmission/NYISO Special Assessment

According to a memo received from the MEUA:

At the MEUA Semi Annual meeting on April 26, 2006, a resolution was passed for a special assessment to cover expenses incurred through our participation in the activities of the NYISO and relevant transmission issues. At their April, 2013 regular monthly meeting, the Executive Committee passed a resolution seeking another portion of the approved amount. Though it has been a number of years since a special assessment has been asked for, it is needed at this time for an ongoing protest involving National Grid. If we are to continue to be actively involved in the NYISO activities in order to protect and maximize every system's best interests we need to replenish this fund. Therefore, we have enclosed your share, representing the approved amount in the attached invoice. Your assessment is based on NYPA Hydro Energy Sales to Muni's for 2011(kWh multiplied by .00002159). This share of the Special Assessment totals \$67,783.68. This portion of the special assessment was unanimously approved by the membership at the recent Semi-Annual meeting.

An update on this topic will be provided during the May MUB meeting.

Power Outage April 4th

The power outage on April 4th affected approximately half of the village. The problem seemed to be a tripped breaker in NYSEG's Flat Street station. Upon investigation, though, the reason for the tripped breaker was never discovered. The cause of the tripped breaker seems to have happened between where the electric crew isolated the problem and the NYSEG Flat Street station. Our crew did what it could to determine the cause, but found nothing conclusive. Power was restored after about forty-five minutes. NYSEG has been notified there was no reason discovered for the tripped breaker. NYSEG put the breaker back in service when they felt it was safe and did not present a problem.

Water/Sewer

Town of Milo Proposed Water and Sewer District Extensions

A request has been received from the Town of Milo asking the Village permission to extend Milo Water District #1 and Milo Sewer District #1-2. These services would be extended to serve a Morgan Marine storage and maintenance facility on County property on Old Bath Road near the Penn Yan Airport. The Board agreed to grant permission for this to be done. Director Bodine will write a letter of response to the Town.

MOTION by Commissioner LeClaire, seconded by Commissioner Mackerchar to accept the Town of Milo's proposed water and sewer district extensions to Milo Water District #1 and Milo Sewer District #1-2.

MOTION CARRIED.

Hydrant Flushing

Hydrant Flushing will be taking place in Penn Yan the week of April 29th; our wholesale water customers will then, in turn, flush the hydrants in their respective systems.

Water Treatment Plant

Gas and Oil Spills Near Farmers’ Water

The plant is having an issue with one customer whose truck leaks diesel fuel while parked and running to receive farmers’ water. Plant personnel have asked this customer to either have the vehicle repaired or to turn the vehicle off when filling his container with water. But, so far, he has refused to take either course of action. This issue was discussed with Attorney Brockman and he suggested that we write a letter to this customer asking that he either take one of the aforementioned courses of action or that he go elsewhere for his water needs. The Board agreed we need to protect the asphalt at the plant and the leaking diesel is damaging the asphalt. Also, there are catch basins near this area of the driveway that discharge directly into the lake. Director Bodine was asked to send a letter to this customer.

Easement near W. Lake Rd. Reservoir

There are people interested in buying the parcel of land adjacent to the south of the land where the W. Lake Road reservoir tank is located. That party wishes to have the right to use the service road for access to that parcel. It is believed that these buyers intend to build a single-family residence on the parcel, currently owned by David Morse. The existing easement terminates when the Morse’s no longer own that land.

The Morses would like to have an agreement with the Village that would be transferable to a new owner. In such an agreement, the Village would be asked to grant a new and permanent easement for access across the existing service road to the present Morse parcel. It would further ask for an agreement to move the current swing gate from its present location to a location closer to the place where the service road crosses onto Village land. This would eliminate the need for the new owner of the Morse parcel to open and close the gate every time they use the driveway. The Board recommended moving forward and to include in the easement the stipulation that the new property owners and the Village would be jointly responsible for the maintenance of the shared roadway.

Wastewater Treatment Plant

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to recommend to the Village Board that all bids received for the vacuum truck be rejected, per Attorney Brockman’s recommendation.

MOTION CARRIED.

Other

Bid Results – Gas and Diesel and Hauling of Liquid Sludge

MOTION by Commissioner Payne, seconded by Commissioner Mackerchar to recommend to the Village Board to accept the bid from Hometown Energy for gas and diesel for fiscal year 2013-2014 per their bid:

Item Price Per Gallon

Unleaded Gasoline (89 Octane) (delivered to 396 Elm Street)	\$3.259/gallon
Diesel Fuel (on road) (delivered to 396 Elm Street)	\$3.395/gallon
Diesel (on road) (at service station pump)	Cannot Provide

*Will provide 1,000 gallon tank @ 396 Elm Street at no cost to Village

Able to meet the 4-hour emergency Delivery Requirement? Yes

24/7 service for on road diesel fuel at the pump provided? Yes

and to recommend to the Village Board to accept the bid from Casella for the hauling of liquid sludge for fiscal year 2013-2014 per their bid:

The bid is a flat rate of \$349 per haul (\$0.043625/gallon) MOTION CARRIED.

Bid Results – Chemicals

MOTION by Commissioner Payne, seconded by Commissioner Banach to award the chemical contract for 2013-2014 to Slack Chemical, Inc. for the following items:

Sodium Hypochlorite	\$1.179/gallon drums and bulk
Liquid Phosphate	\$10.26/gallon
Sodium Fluoride	\$.0794/pound

and to reject the alum bid provided by Slack Chemical, Inc. since the product bid did not concur with the specifications.

MOTION CARRIED.

Door Hanger

MOTION by Commissioner LeClaire, seconded by Commissioner Mackerchar to proceed with ordering door hangers and to split the cost of \$185 for 1,000 hangers amongst the various funds whose employees will use the hangers.

MOTION CARRIED.

FLWWC Golf Tournament

The FLWWC annual golf tournament is being held on Thursday, May 23rd at the Bristol Harbour Village Golf Course. This is just an F.Y.I. for the Board.

Local Government Workshop

Director Bodine and Assistant Director Jensen will be attending the Genesee/Finger Lakes Regional Planning Council's Local Government Workshop on Thursday May 16th in Pittsford, NY.

Lake Street Plaza Private Infrastructure

Director Bodine stated that, with the reconstruction of the former Eaton Jewelry store becoming a Subway restaurant, the Village has become more familiar with the private water and sewer infrastructure in the plaza complex. The changes to this area have caused the plaza's maintenance person to rework a portion of the plumbing at the plaza. Director Bodine and Assistant Director Jensen will prepare a letter for the plaza owner, Demetrius Pappan, to state that the Village would prefer that a master meter be installed in a pit where our system connects to the plaza's infrastructure. The Board agreed with this position. That way, if a water break were to occur in the plaza, the amount of water lost would be metered and an invoice could be prepared.

Easement – Iversen Property

Chris Iversen and Ray Spencer, who are developing or rehabilitating properties on Water Street, will grant an easement so the Village will have access to the Outlet for maintenance of the gates. The Committee asked that Attorney Ed Brockman be contacted so that easements can be prepared. The roadway would be constructed in-house by the Public Works crew. The Public Works Committee has asked Streets Foreman Rapalee to provide an estimated cost to build the roadway and asked Director Bodine and Assistant Director Jensen to propose how the cost would be shared.

Village Engineer's Report

Village Engineer Elliott spoke to Karis Manning of the DEC regarding the status of the SPDES renewal for the WWTP; Ms. Manning reported that the DEC had not yet received this from Albany.

Last week, Village Engineer Elliott met with Director Bodine, Assistant Director Jensen and WWTP Chief Operator Ben Sward to review the proposed WWTP improvement projects. Cost estimates for these projects are now being refined. Village Engineer Elliott reported that, during that meeting, it was agreed that a bubbler system will be used in the digester rather than a linear mixer.

Village Board Meeting

Chairman French and Commissioner Banach plan to attend the Village Board Meeting on April 16th.

Payment Agreements

MOTION by Commissioner LeClaire, seconded by Commissioner Mackerchar to accept the payment agreements in the amount of \$12,167.74.

MOTION CARRIED.

Service Requests

The Board is pleased that issues are being handled in a timely manner.

Executive Session – contractual issue

MOTION by Commissioner Payne, seconded by Commissioner Banach at 10:54 am to go into Executive Session to discuss contractual issues.

MOTION CARRIED.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to return to regular meeting at 11:26 am.

MOTION CARRIED.

MOTION by Commissioner Payne, seconded by Commissioner Banach to renew the Elliott Engineering Solutions contract with no changes, effective June 1, 2013 through May 31, 2014.

MOTION

CARRIED.

Next Meeting

The next meeting will be held Friday, May 17, 2013 at 8:30 am in the MUB Meeting Room.

Adjournment

MOTION by Commissioner Payne, seconded by Commissioner Mackerchar to adjourn the meeting at 11:28 am.

MOTION CARRIED.

Karen M. Fox,

Secretary