

MINUTES of the Penn Yan Municipal Board Meeting held April 14, 2011 in the MUB Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

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

ALSO ATTENDING: Mayor Bob Church, Village Trustees Rich Stewart and Wayne Davidson, Keuka Park Water/Sewer Clerk Carrie Wheeler, Village Engineer Bob Elliott, Account Clerk Christine Mickelsen and Penn Yan Resident Jeff Bray

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

MOTION by Commissioner Nissen, seconded by Commissioner Payne to approve the minutes of the Municipal Board meeting held March 10, 2011.

Motion Carried.

Village resident Jeff Bray addressed the Board to discuss the possible annexation of the property he

owns on Widow Hill Road into the village and the possible extension of the existing water and sewer lines in that area to service the new home he is building. Director Bodine provided a cost estimate to

Mr. Bray for the extension of the existing water lines on Widow Hill Road. The first cost estimate was higher than it should have been because it was based on the use of 10-inch ductile iron pipe rather than

8'-inch ductile iron pipe. The difference is about \$4,000 and Director Bodine apologized to Mr. Bray for that error. It would cost approximately \$27,000 to extend the water and sewer lines in the right of way of Widow Hill Road and Mr. Bray would bear the total cost of extending these lines. Mr. Bray asked about receiving Municipal electric service. There is a pole across the street from where he is building his new home. Chairman French stated that it is policy not to provide Municipal utilities for anyone who is not annexed into the village. Mr. Bray stated that there is a property owner to the north of him on Widow

Hill Road and several on County House Road who have Municipal electric service but do not pay village taxes. Mr. Bray's claim will be investigated since it is our current policy not to extend Municipal electric or other utilities to anyone who does not pay village taxes. It would cost Mr. Bray approximately \$350

to connect to Municipal electric service if he annexes into the village. Mr. Bray asked why the Village doesn't put a surcharge on those receiving electric who are not in the village. Director Bodine stated that the Public Utilities Commission (PUC) does not allow us to do so. Mr. Bray stated that it would cost him approximately \$8,800 more to connect to Municipal utilities versus installing a septic system and a well. Mr. Bray stated that the legal fees to annex into the village is another expense. It will cost him approximately \$1,000 to pay an attorney to file the paper work. The Board considered whether or not there was room for compromise on that \$8,800 difference without going against established policies. Mayor Church stated that it would be in the Village's best interest to have Mr. Bray's property annexed into the village, so we should try to work through this for the benefit of both parties. The Board will discuss the matter further during an Executive Session at the end of this meeting and provide Mr. Bray with an answer via a phone call this afternoon.

(Mr. Bray left the meeting at 9:07 am.)

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to hold an Executive Session at the end of the meeting to discuss contractual issues.

Motion Carried.

Account Clerk, Christine Mickelsen, was in attendance and apprised the Board of some of her responsibilities in the Municipal office. She is responsible for sending out utility bills (three cycles per month) and sends notifications to customers who have unpaid balances. She explained that customers with an unpaid balance who are still receiving Municipal services are sent a shut off notice and that customers with an unpaid balance who are not still receiving Municipal services are sent a notice that notification has been sent to a collection agency. Account Clerk Mickelsen was asked, "If a tenant is behind in his or her utility bill(s), is the landlord notified?" She stated that, in the case of electric, notification is sent to a collection agency. In the case of water or sewer, notification goes to the landlord. Landlords can call the Municipal office whenever they wish to check on the status of their tenants' utility accounts. It was stated by Clerk-Treasurer Wilber and several members of the Board that Account Clerk Mickelsen does a great job scheduling water meter replacements.

(Account Clerk Mickelsen left the meeting at 9:18 am.)

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:

Electric Fund	\$ 16,687.68	
Water Fund	\$ 35,871.45	
<u>Sewer Fund</u>	<u>\$ 31,286.36</u>	
Total Municipal Audit	\$ 83,845.49	Motion
Carried.		
(plus)		
Capital	\$ 2,783.73	
Paid before audit	\$350,110.01	
<u>General Fund</u>	<u>\$ 43,688.65</u>	
Total Village Audit	\$480,427.88	

Clerk-Treasurer Wilber reported that the Village Board approved the water, sewer and electric budgets for fiscal year 2011-2012 during a special meeting last night. The general budget was approved as well. During the May 17th Village Board meeting, a Public Hearing will be held to establish the new water and sewer rates that will go into effect June 1st. Representatives of several entities, including the Best Western Inn and Suites, St. Mark's Terrace and the Plaza Car Wash, have contacted the Village with concerns regarding the new EDU billing structure. They were invited to come in and discuss the issue with Clerk-Treasurer Wilber or Director Bodine but, so far, none of them have. Large water usage customers will receive a letter before the new billing structure goes into effect to explain the EDU philosophy, why it is being put into effect, and how it will affect their utility bills. Landlords will also receive a letter about the new billing structure.

Assistant Director Jensen discussed the upcoming through-cut at the railroad crossing on E. Elm Street. The Finger Lakes Railroad is tentatively scheduled to do the work beginning May 9th. Both sets of existing tracks will be removed and reinstalled once the water line has been replaced and the area backfilled. The sewer line in that area will be cleaned out and inspected. If the casement pipe is in good condition, the sewer line will not be replaced. However, if the pipe is in poor condition, the sewer pipe underneath the railroad tracks will be replaced once the through-cut has been made. While the water line (and possibly the sewer line) replacement occurs, E. Elm Street will be closed to traffic for approximately ten days. Assistant Director Jensen is working with the Railroad to establish a temporary railroad crossing just north of the Morgan's property on Hamilton Street so that trucks would be able to access the Lakeview Organic Grain facility while E. Elm Street is closed to traffic.

The monthly letter from the New York Power Authority (NYPA) regarding firm hydro energy for the month of April stated that there would be no reduction in firm hydro energy sales to NYPA's hydropower customers for the period of April 1st through 30th.

Bids were received for a 500 KVA padmount transformer.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to recommend to the Village Board the purchase of a 500 KVA three phase padmount transformer from Wesco Distribution, Inc. per their bid price of \$11,684. Motion Carried.

Director Bodine reported that the outside of the metal-clad switchgear at the Welker substation should be insulated to save on the electric needed to heat the switchgear and to prevent temperature fluctuations. Several quotes were received to do this work.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to recommend to the Village Board that Sunrise Insulation be hired to provide all labor and materials to insulate the exterior of the control room at the Welker substation per their bid price of \$8,959. Motion Carried.

Director Bodine informed the Board that the NYPA Tree Power Program, which had been in place for years, has been discontinued due to budgetary constraints. Through that program, the Village was able to purchase 1 ½" caliper trees at a discount.

The NYMPA 14th Annual Meeting is being held May 19th in East Syracuse, NY. Director Bodine and Commissioner Banach are interested in attending.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to authorize the attendance of up to three (3) employees at the NYMPA 14th Annual Meeting being held May 19th in East Syracuse, NY at a cost of \$50 per person. Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to authorize Brent Bodine as the Village delegate at the NYMPA 14th Annual Meeting and ask the Village Board to pass a Resolution stating so. Motion Carried.

Director Bodine received a letter from Floyd Lane and Dale Lane regarding the Village's wastewater capacity. In the letter it states: "We are looking to do a project off of State Route 54 of some size which is located in the Milo sewer district. The project will consist of between 34 and 42 new, single-family dwellings, 1-2 bedrooms each. We would like assurance from the Village pertaining to the extra (wastewater) load that will be produced. Can you please respond in writing that the Village will be able to handle the additional load?" Village Engineer Elliott estimates the anticipated flow to be approximately 6,300 gallons/day and feels that load could be easily handled by the Wastewater Treatment Plant. Director Bodine will write a letter to Floyd and Dale Lane and also to the Town of Milo because this new load coming from their sewer district will bring them close to their maximum allotment as spelled out in their sewer contract with the Village.

Village Engineer Elliott reported that the cleaning of the Benton Hill reservoir tank has been completed and chlorination has begun. The tank will be refilled starting tomorrow morning. No major problems were discovered during the tank inspection and Village Engineer Elliott is confident it will last another forty years or so without any major issues. There were no water main breaks while the tank was offline and no low pressure issues were reported to the Municipal office.

The water distribution system mapping project is in progress and information has been given to Yates County Watershed Inspector Colby Petersen. Director Bodine stated that he is not sure who is actually in charge of driving this project. Since this project will help the Village better understand its water distribution system, it was agreed that Director Bodine should be the point person for this project.

Paving work needs to be done at the Water Treatment Plant from the gate down to the back of the plant to the area near the raw water building. This work was anticipated and money is in the plant's budget.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to recommend to the Village Board to go out for bids for planned paving work at the Water Treatment Plant. Motion Carried.

An executed engineering contract is needed to fulfill the requirements of the application for \$4 million of interest-free financing the Village is eligible for under the Clean Water State Revolving Fund.

MOTION by Commissioner LeClaire, seconded by Commissioner Nissen to recommend to the Village Board that an engineering contract be executed with Elliott Engineering Solutions for a cost not to exceed \$324,000. This contract would be executed to fulfill the requirements of the application for \$4 million of interest-free financing the Village is eligible for under the Clean Water State Revolving Fund, funding which will be used for Wastewater Treatment Plant modifications. Motion Carried.

Each year, the two Municipal Bobcats are exchanged for new ones at little cost to the Village. This program is being offered by Bobcat again this year and it will cost the Village \$2,000 to trade in the two existing Bobcats for two new ones.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to recommend to the Village Board that two Bobcats be purchased to replace the Bobcat currently being used by the water/sewer crew and the Bobcat being used at the Wastewater Treatment Plant. This is a planned purchase and the cost to the Village will be \$2,000. Motion Carried.

Bids were received for chemicals to be used by the Water Treatment Plant and the Wastewater Treatment Plant during fiscal year 2011-2012.

MOTION by Commissioner Payne, seconded by Commissioner Banach to recommend to the Village Board that Liquid Aluminum Sulfate (Alum) be purchased for the Wastewater Treatment Plant from Holland Company, Inc. during fiscal year 2011-2012 per their bid price of \$.805/gallon. Motion Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to accept the bids received for Sodium Hypochlorite, Liquid Phosphate and Sodium Fluoride to be used by the Water Treatment Plant during fiscal year 2011-2012. Motion Denied.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to authorize the rebidding of chemicals to be used by the Water Treatment Plant during fiscal year 2011-2012. Motion Carried.

Each year, the general engineering contract with Elliott Engineering Solutions is renewed. It was agreed that no changes need to be made and that the contract should be renewed for another year.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to renew, without any changes, the General Engineering Contract with Elliott Engineering Solutions for fiscal year 2011-2012. Motion Carried.

The Village may be eligible to receive hundreds of thousands of dollars in CDBG (Community Development Block Grant) funds. The Office of Community Renewal is providing this funding for public water and sewer projects to “assist communities in remedying health, safety and public welfare needs of low- and moderate-income households”. Director Bodine has determined that we do not possess enough income surveys from residents on targeted streets such as Seneca and Keuka Streets and that we may not have the time to gather the necessary information to submit an application this year. If enough information *can be* gathered, two Public Hearings would be necessary and would need to take place before the end of May.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to recommend to the Village Board that two (2) Public Hearings be scheduled if enough information is available to submit an application to apply for CDBG (Community Development Block Grant) funds for water and sewer projects that would serve low- and moderate-income households in the village. Motion Carried.

The next meeting with Village representatives and Town of Jerusalem representatives had been tentatively scheduled for Friday, May 6th. Keuka Park Water/Sewer Clerk Carrie Wheeler stated that Wayne Ackart will not be able to attend a meeting that day and that she will contact Secretary Karen Fox with alternative dates.

Information was given to the Board regarding the FLWWC Annual Golf Tournament being held Thursday, May 26th at Bristol Harbour Village Golf Course.

The painting of the first filter at the Water Treatment Plant has been completed and the filter is back online. The Water Treatment Plant staff will monitor the performance of the filter over the next six to eight months to evaluate its efficiency. Another filter is tentatively scheduled to be taken offline for painting this fall.

Chairman French and Commissioner Banach plan to attend the Village Board meeting April 19th.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to approve payment agreements in the amount of \$9,647.64. Motion Carried.

Wastewater Treatment Plant Chief Operator, Ben Sward, is interested in attending the NYWEA Anaerobic Digestion Workshop being held May 3rd in Amherst, NY.

MOTION by Commissioner Nissen, seconded by Commissioner Banach to authorize the attendance of one (1) employee at the NYWEA Anaerobic Digestion Workshop being held May 3rd in Amherst, NY at a cost of \$65.

Motion Carried.

The New York State Department of Transportation forwarded two Resolutions to Director Bodine to present to the Village Board.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to recommend to the Village Board that a Resolution be adopted authorizing the Director of Public Works, Brent Bodine, to execute the HC 140s Utility Work Agreement with the New York State Department of Transportation regarding the State's construction project of SR 14A (the Liberty Street bridge replacement project).

Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to recommend to the Village Board that a Resolution be adopted to grant the State of New York the authority to perform the relocation and adjustment of Municipal utilities and maintain adjusted utilities via the State-led Contract for the construction project of SR 14A (the Liberty Street bridge replacement project).

Motion Carried.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to authorize the Director of Public Works, Brent Bodine, to write a letter to Jeff Bray of 3 Widow Hill Road stating that the Municipal Utilities Board has agreed to revise the costs associated with extending both the water and sewer mains up Widow Hill Road to reflect the removal of the engineering fees listed in the original estimate provided to Mr. Bray on April 8th and that the revised cost to extend the water and sewer mains up Widow Hill Road is \$23,259.10. The letter should also state that this offer is contingent on Mr. Bray's successful application to annex all of his property into the village of Penn Yan.

Motion Carried.

The Board asked to review the letter before it is sent to Mr. Bray.

Director Bodine was asked to write a letter to Town of Pulteney Supervisor Bill Weber stating that the offer to reduce Pulteney's minimum water usage from 20 million gallons to 13 million gallons per year is firm.

The Board asked to review the letter before it is sent to Supervisor Weber.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to adjourn into Executive Session at 10:58 am to discuss contractual issues. Motion Carried.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to adjourn out of Executive Session at 12:23 pm and return to the regular meeting. Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to adjourn the meeting at 12:30 pm. Motion Carried.

The next Municipal Board Meeting will be held Thursday, May 12, 2011 at 8:30 am in the MUB meeting room on the second floor of the Village Office building.

Karen M. Fox, Secretary

NOTE:

Discussions have taken place for several months regarding the through-cut that will be done at the railroad crossing on E. Elm Street to provide access to the water line beneath the tracks that needs to be replaced. However, a MOTION was never actually made to proceed with the through-cut at a cost of \$11,000. A phone and e-mail poll of the Municipal Board members was conducted on April 19th and the Board agreed that such a MOTION should be presented to the Village Board during its April 19th meeting.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to proceed with the through-cut at the railroad crossing on E. Elm Street and to reimburse Finger Lakes Railroad \$11,000 for their time and materials to remove and replace the railroad tracks, ties and rubber expansion material.

Motion Carried.