

MINUTES of the Penn Yan Municipal Board Meeting held April 15, 2010 in the Second Floor (corner) Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

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

ALSO ATTENDING: WWTP Chief Operator Ben Sward, Village Trustees Wayne Davidson and Rich Stewart, Village Engineer Bob Elliott, and Town of Jerusalem Deputy Supervisor Ray Stewart

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

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to approve the minutes of the Municipal Board meeting held March 11, 2010 with one correction: Bruce LeClaire was listed as both 'attending' and 'absent'; he should have just been listed under 'absent'. Carried.

Town of Jerusalem Deputy Supervisor, Ray Stewart, addressed the Board. He asked Secretary Fox to schedule a time for the Town of Jerusalem Board to take a tour of the wastewater treatment plant (WWTP). Secretary Fox will coordinate this with WWTP Chief Operator Ben Sward and Keuka Park Water/Sewer Clerk, Carrie Wheeler.

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:

Paid Before Audit:	\$301,319.38	
Capital Paid Before Audit:	\$ 0	
Electric:	\$251,616.03	
Water:	\$ 39,088.57	
Sewer:	\$ 35,235.15	
Capital Projects:	\$ 0	
Total Municipal Audit	\$627,259.13	Carried.

WWTP Chief Operator, Ben Sward, was present to provide the Board with an update on projects at the wastewater treatment plant. The line connecting the septage building to the digester has been completed and is working fine. This may reduce unpleasant odors, especially during the warmer months. Work that needs to be done at the sewer plant includes installing another pump to get rid of sludge and modifications to the RBCs. There are a total of sixteen RBCs at the plant and ten of them are the originals that were installed in 1982 when the plant was built. All of the RBCs are currently functioning, but three of them are currently being run at a slower speed in an attempt to lessen the strain put on them and prolong their useful life. Tests will be done to see if this slow down in operation affects any of the biological treatment at the plant. Assistant Director Bodine commended Chief Operator Sward and his staff for being proactive in making alterations to improve the wastewater treatment process. Chief Operator Sward received a quote to install a gate at the entrance to the plant to isolate the area septage haulers use from the rest of the facility. Railings and screens have been installed around the clarifiers to prevent animals and small children from falling in.

(Chief Operator Sward left the meeting at 8:52 am.)

Village Clerk-Treasurer Wilber presented the proposed 2010-2011 municipal budgets to the Board. If approved by the Municipal Board, the budgets will then be presented to the Village Board for approval April 20th. Once approved by the Village Board, the budgets would be presented during a Public Hearing before the new water and sewer rates could go into effect June 1st.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to recommend to the Village Board that they accept the 2010-2011 water budget as prepared and to move forward with the Public Hearing to set the new rate, which includes a sixty-cent per 1,000 gallon increase. Carried.

MOTION by Commissioner Nissen, seconded by Commissioner Banach to recommend to the Village Board that they accept the 2010-2011 sewer budget as prepared and to move forward with the Public Hearing to set the new rate, which includes a seven-cent per 1,000 gallon increase. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Nissen to recommend to the Village Board that they accept the 2010-2011 electric budget as prepared. Carried.

Village Clerk-Treasurer Wilber will discuss the Five-Year Plan for the Water Treatment Plant with Director Osgood and Assistant Director Bodine. A determination needs to be made as to what improvements should be made at the plant and how much money needs to be set aside in the water plant reserve fund to pay for those improvements. Once we have an idea of the amount of money our wholesale customers will need to contribute, we will schedule a meeting with those customers to discuss this.

Genesee Construction, the contractor working on the Brown Street water line project, has installed all the new services from the new water main to the residences on Brown Street. Director Osgood reported that approximately \$80,000 of the funds allocated to the Village for this project could go unused. The Office of Community Renewal would then likely take that money from the Village and allocate it elsewhere. If the new water main is extended on Liberty Street and Lake Street toward the plaza, this money could stay in Penn Yan. Director Osgood mentioned that

he is pleased with the work that Genesee Construction and Elliott Engineering Solutions are doing on the Brown Street project.

Phase I of the E. Elm Street water line project has been completed. Commissioner Nissen reported that he has heard comments from residents who don't really understand the work being done by Village employees and contractors on E. Elm Street and Brown Street. He suggested that we invite Gwen Chamberlain of the Chronicle-Express to interview Director Osgood about these projects to let the public know what's been done so far and what the future plans are for E. Elm Street.

The 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.

The Commissioners asked if anyone was keeping track of the amount of power the Village purchases vs. our hydropower allocation. Assistant Director Bodine *is* tracking this each month and will be able to present a spreadsheet to the Board at the end of each year so they can see the trends.

Last week, Director Osgood, Assistant Director Bodine, Clerk-Treasurer Wilber and Electric Crew Chief Bodine reviewed several dozen applications for the position of Electric Groundsperson and narrowed the choices to half a dozen. These applications will be discussed during tomorrow's Personnel Committee meeting and interviews will then be scheduled.

Assistant Director Bodine discussed the New York Power Authority (NYPA) Economic Development Program. When a municipality has an electric customer whose load increases dramatically, that municipality can submit an application to NYPA have its hydropower allocation increased. An important caveat to the program is that the business needs to also be bringing new jobs to the community. For this reason, the opening of the new call center (Data Listing Services) has provided an opportunity for Penn Yan to apply for an increase in hydropower allocation under the NYPA Economic Development Program. Assistant Director Bodine is preparing the application.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to ask the Village Board to pass a Resolution to approve our participation in the New York Power Authority Economic Development Program and to authorize the Director of Public Works to execute documents related to this Program. Carried.

Two bids were received for a new, hybrid bucket truck for the electric department: Altec Industries (\$131,075) and Dueco (\$109,357).

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to recommend to the Village Board that the electric fund purchase a hybrid bucket truck from Dueco, Inc. at a cost of \$109,357. Carried.

Assistant Director Bodine reported that there was a service failure at the Welker Substation. A Municipal electric crew member opened a cabinet to make some wiring changes and discovered that a sliding finger connection had failed. It has since been repaired. As a result of this discovery, the other cabinet was also inspected.

Three bids were received for the inspection and testing of the switchgear and transformers at the Welker Substation. Bids were received from O'Connell Electric (\$24,740), HMT, Inc. (\$34,100) and IETS (\$19,750 plus hourly rates for time and materials for items deemed necessary but not specified in the specifications). IETS did not return a signed Non-Collusive Bidders Certificate with their quote, so their bid was rejected.

MOTION by Commissioner LeClaire, seconded by Commissioner Nissen to recommend to the Village Board that O'Connell Electric be awarded the bid for the inspection and testing of switchgear and transformers at the Welker Substation at a cost of \$24,740. Carried.

Three bids were received for 1, 750 KVA padmounted transformer. Bids were received from Central Maloney (\$16,326), Stuart Irby (\$15,661) and Wesco Distribution (\$14,378.95).

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to recommend to the Village Board that Wesco Distribution be awarded the bid for a 750 KVA three-phase padmounted transformer at a cost of \$14,378.95.

Carried.

With more people driving on Powell Lane to get to Data Listing Services and the newly-established Yates ARC offices in the old Iron Age Building, Assistant Director Bodine would like to see street lighting on Powell Lane upgraded. Powell Lane is a Village street. There are no poles on part of that street, so either overhead or underground electric could be established. The Commissioners are not sure such an upgrade is warranted. Assistant Director Bodine will provide justifications and estimated costs for this street lighting upgrade during the next MUB meeting.

Trees have recently been ordered through the Nursery Landscaping Association as part of a program sponsored by the New York Power Authority. Under this program, municipalities can receive two trees for the price of one. Forty trees have been ordered – sixteen sugar maples and twenty-four red maples. Every year we advertise that trees are available on a first-come, first-served basis. Homeowners are responsible for planting the trees, not Village personnel. This fall, college students will be conducting a tree inventory for the Village, which should provide us with information we'll need to establish our own Tree Ordinance.

MOTION by Commissioner LeClaire, seconded by Commissioner Nissen to authorize the attendance of up to two (2) employees at the NYMPA 13th Annual Meeting being held May 27th in East Syracuse, NY at a cost of \$50/pp.

Carried.

Data is with Barbara Johnston of Stuart Brown Associates so she can prepare a grant application for a new water line on Seneca Street. We've received letters of support for this project from the Penn Yan Fire Department, Birkett Mills, Carey's and the NYS Department of Health.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to adjourn into Executive Session at the end of the meeting to discuss personnel issues. Carried.

Director Osgood reported that Water Treatment Plant Chief Operator Dick LaRock will contact Cady Roofing about a leak in the roof at the water plant.

Director Osgood spoke with Benton Supervisor Bob Clark regarding the Village's desire to establish a new water sampling port near the Essenhaus. This issue will be discussed further after the meeting the Village and its wholesale water customers have with the Department of Health on May 12th to discuss Trihalomethanes.

Director Osgood presented the Board with a circle graph showing the flows into the wastewater treatment plant. The flow exiting the plant is constant, but the flow entering the plant is sporadic. This is hard on the pumps and the inflow and outflow should be more balanced. This matter is being looked into.

Director Osgood received a request from Amanda Folts of the Finger Lakes Times. Ms. Folts would like to interview the staff at the wastewater treatment plant as part of a series of articles she's writing about different occupations. The Board agreed this would be fine, but asked that Director Osgood or Assistant Director Bodine be present during the interview and gave Director Osgood the go-ahead to schedule this with Ms. Folts.

Wastewater Treatment Plant Operator Mike Naylor is interested in attending a Conflict Management Course being offered at SUNY Morrisville July 15th. He'd like to take the course to earn training hours for his Operator's license and because such training could be useful as he continues his career at the sewer plant. Commissioner Banach mentioned that there is a conflict resolution seminar available locally and a speaker could come to the Village Hall to provide all of the employees with this training. The Yates County Personnel Office could provide more information.

MOTION by Commissioner Payne, seconded by Commissioner Nissen to authorize the attendance of up to one (1) employee at a Conflict Management course being held July 15th at SUNY Morrisville at a cost of \$100. Carried.

Village Engineer Bob Elliott and Assistant Director Bodine will develop specifications so we are prepared to go out for bid for chemicals for the water and sewer plants for fiscal year 2011-2012.

The DPW crew has been working to resolve an I&I issue at 137 Benham Street where roof drains have been depositing storm water into the sanitary sewer for years. Thousands of dollars were spent on materials to address the I&I problem on Benham Street, not including labor and equipment costs. We need to establish a way to capture DPW hours and dollars spent to correct I&I issues so that we can show the DEC how we're handling our I&I problems with the limited funds we have available. Secretary Fox will prepare a spreadsheet for the DPW crew to use to record hours spent and materials used to address I&I issues.

Thanks to the efforts of North Avenue resident Ann Glazier, we received enough income survey responses from Seneca Street residents to qualify to apply for a Small Cities grant. A Proclamation from the Mayor was prepared and was to be presented to Mrs. Glazier during the April Village Board meeting; however, Mrs. Glazier sent a letter to Director Osgood stating that she would rather not receive public recognition. The Proclamation will be read during Tuesday's Village Board meeting and presented to Mrs. Glazier privately.

There is a meeting being held with the Department of Health in the Geneva office May 12th to discuss Trihalomethanes. Director Osgood, Assistant Director Bodine and MUB Chairman French will attend that meeting.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to change the time of the Municipal Board meeting from 9:00 am to 8:30 am. Carried.

Village Engineer Elliott has a draft prepared for the direct bore Request for Proposals to do bore work underneath the railroad tracks on E. Elm Street and Seneca Street. More survey work needs to be done, so this project should be ready to bid in May.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to proceed with requesting bids for direct bore work, which will be performed beneath the railroad crossings on E. Elm Street and Seneca Street. Carried.

Chairman French and Commissioner Banach are planning to attend the Village Board meeting on April 20th.

The SPDES permit hanging on the wall at the water plant expired in 2007. A new permit was requested, and, while we have documentation that the new permit expires in 2012, a permit to display on the wall was never received.

Director Osgood suggested Penn Yan native Brian Hall be hired as an intern for the summer. He will graduate from Rensselaer Polytechnic Institute (RPI) and will be returning to RPI in the fall to pursue his Master's Degree in Environmental Engineering. There are several projects Mr. Hall could work on. He could gather data after rain events to help us pinpoint I&I issues, and existing I&I data could be compiled and entered into an updatable database, which would help us track our progress with our I&I Elimination Program for the DEC.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to recommend to the Village Board that Brian Hall be hired as a Village intern for the summer at a rate of \$10/hr. Carried.

The current contract the Village has with Elliott Engineering Solutions does not state a term limit. Assistant Director

Bodine suggested that the contract coincide with the Village's fiscal year.

MOTION by Commissioner Payne, seconded by Commissioner Banach to recommend to the Village Board that a new General Engineering Services Contract be executed between the Village and Elliott Engineering Solutions to cover the period from June 1, 2010 to May 31, 2011. Carried.

MOTION by Commissioner Nissen, seconded by Commissioner Banach to accept the Payment Agreements in the amount of \$3,959.58. Carried.

Commissioner Banach mentioned an article in a recent MEUA newsletter stating that the Lake Placid Municipal Electric Department enforces a usage cap of 5,000 kWh per month for residences, above which customers pay 12.5 center per kWh. He suggested we look into doing something similar here in Penn Yan.

The Commissioners asked what percentage of our electricity is used by customers outside of the village limits. Assistant Director Bodine reported that approximately 3.9% is used by those outside the village.

Village Trustee Willie Allison stated that we need to explore ways of expanding the village's boundaries in light of decreasing revenues and an increase in the number of tax-exempt properties in the village in recent years. We need to be proactive rather than wait for individuals to come to us to discuss annexation. It would help if the Fairgrounds wanted to annex into the village, but so far, they have been resistant to that idea. It is not known for sure what their exact reasons are for not wanting to annex. Trustee Allison will soon be meeting with Fairgrounds representatives and will let them know that the Municipal Board is not interested in establishing a sewer district for the Fairgrounds, as annexation is preferred. He will also tell them that the members of the Planning and Development Board would gladly meet with them to discuss various options. We need to determine exactly what their concerns are; until we do, the Fairgrounds will not pursue annexation into the village.

Village Trustee Stewart mentioned that New York State recently changed the bidding requirement thresholds in their Procurement Policy. He will forward information about this to Clerk-Treasurer Wilber. Perhaps we should adjust the thresholds in our Procurement Policy as well.

MOTION by Commissioner Payne and Commissioner Banach to approve payment agreements in the amount of \$3,959.58. Carried.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to adjourn into Executive Session at 11:40 am to discuss personnel issues. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn out of Executive Session at 12:05 pm and return to the regular meeting. Carried.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to recommend that the Village Board accept the recommendation of the Interview Committee and hire their chosen candidate for the position of Water Treatment Plant Operator Trainee. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn the meeting at 12:10 pm. Carried

The next Municipal Board Meeting will be held Thursday, May 13th at 8:30 am in the corner meeting room on the second floor of the Village Office building.

Karen M. Fox, Secretary