

MINUTES of the Penn Yan Municipal Board Meeting held June 10, 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, Jerry Nissen and David Payne, Clerk-Treasurer Shawna Wilber, Director of Public Works Dick Osgood and Assistant Director of Public Works Brent Bodine

ALSO ATTENDING: Trustee Wayne Davidson, Water/Sewer Supervisor Ron Keech, and Village Engineer Bob Elliott

ABSENT: Trustee Willie Allison

Chairman French called the meeting to order at 8:33 am.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to approve the minutes of the Municipal Board meeting held May 13, 2010 with two corrections: Commissioner LeClaire's name appears twice under 'attendees' and Trustee Allison was listed as 'absent' but attended the meeting. Motion Carried.

Water/Sewer Supervisor Ron Keech was present to provide the Board with an update on water and sewer projects. Genesee Construction has nearly completed the lateral tie-ins for the new Brown Street water line. The water/sewer crew is pleased with the contractor's work and so are the residents in the affected area of Brown Street. The residents have been notified by the contractor when there will be interruptions in water service to their homes. The contractor also maintained good traffic flow through the area while the water line was being installed. The Municipal water/sewer crew witnessed the installation so they are aware of the location of the main valves and other connections. A new valve has been put in place near the Liberty Street bridge and Delano Place, which will be used to connect the new Brown Street water line with the new water line that will be installed on the bridge as part of the State's bridge replacement project in 2011-2012.

When the water/sewer crew connected the new Keuka Lake Corner Café (at the site formerly occupied by Pudgies and China Buffet), they found a lot of grease in the sewer pipes. There is a grease trap in place at that business and grease traps are one of the items inspected as part of the Code Enforcement Officer's annual fire inspections. The Board agreed that business owners and the general public should be educated about the effects of pouring grease down the drain or flushing items like diapers, wipes and medications down the toilet. The Village has been gathering information to develop a program to address the problem of grease in the sanitary sewer pipes. Secretary Fox will ask Code Enforcement Officer Bruce Lyon to forward to her any grease or grease trap problems he has identified as a result of his yearly building inspections.

Work on Phase I of the E. Elm Street water main project has been completed. Phase III (water line replacement from the end of Phase I to the five points intersection near Walnut Street) will be done next. After that, Phase II will be done, which will include direct bore work underneath the railroad crossing on E. Elm Street. A timeline for this work will be determined to minimize the impact on traffic flow in that area.

Director Osgood urged the Board to consider replacing a section of water line on Main Street in anticipation of the detours during the Liberty Street bridge replacement and also the need to use booster pumps when the West Lake Road reservoir is taken down for painting and maintenance in a few years. The last time the reservoir was down and the booster pumps were used, thirteen water line breaks occurred within a span of fifteen days in the business section of Main Street. It is an old, cast iron line with lead joints that is in need of replacement. In addition to a major, potential problem while the West Lake Reservoir is taken down, there is also the concern that the existing line will not be able to withstand the impact of the truck traffic that will be detoured onto Main Street while the Liberty Street bridge is being replaced. Survey work has already been done on Main Street, so the next step would be the design phase. Director Osgood learned from Mary Chapel at Municipal Solutions that there could be grant money available to help cover two-thirds of the design costs for such a project. The grant application is due July 19th; two public hearings would need to be held prior to that date.

MOTION by Commissioner Nissen, seconded by Commissioner Banach to authorize Municipal Solutions to prepare a grant application at a cost not to exceed \$3,500; this grant money would be used to cover the cost of design work on a new water line on Main Street from Elm Street to Clinton Street. Motion Carried.

The Commissioners complimented Supervisor Keech for the work that he's done since taking over as the supervisor of the water/sewer crew and asked that he pass along compliments to the rest of the crew, as their work has been impressive as well.

(Ron Keech left the meeting at 9:04 am.)

According to Clerk-Treasurer Wilber, while there were many Municipal invoices paid on May 28th, there are still some invoices outstanding from the 2009-2010 fiscal year. After a review by the Board . . .

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to pay the outstanding Municipal invoices for the 2009-2010 fiscal year for a total of \$194,526.09. Motion Carried.

According to a letter from Isaac Von Reedy of CASP, LLC dated June 4th: "The Von Rhedey family is no longer the owner of CASP, LLC. The new contact to discuss any waste water issues will be Roland Klimm, who has been the plant manager for CASP since 2007". Clerk-Treasurer Wilber presented a spreadsheet which indicates that CASP, LLC owes the Village \$21,228.77 in surcharges plus \$4,765.74 in finance charges for a total of approximately \$26,000. Village Engineer Bob Elliott has sent a letter to Mr. Von Rhedey reminding him of these outstanding bills and plans to meet with Mr. Klimm next week. Once that meeting is held, a letter will be written to the new owners of CASP, LLC regarding any unpaid balances. Clerk-Treasurer Wilber will update the spreadsheet to make sure the billing dates are accurate and a copy of this spreadsheet will be given to Mr. Klimm.

Several possible meeting dates were provided by Carrie Wheeler, the Keuka Park Water/Sewer Clerk. This meeting was requested by the Town of Jerusalem so that their Town Engineer, Wayne Ackart, would have the opportunity to explain his understanding of the evolution of the water contract between the Town and the Village. Chairman French stated that Mr. Ackart's wife is experiencing some health issues at the present time and that perhaps it would be better not to schedule a meeting at this time.

A meeting to discuss EDUs (Equivalent Dwelling Units) has been scheduled for June 17th at 9:00 am. A Penn Yan apartment house owner, Dave Freer, stopped by at the beginning of this meeting and asked if the EDUs were going to be discussed during this MUB meeting. Chairman French told him that ongoing discussions about the EDUs are being held but that nothing definitive has yet been decided. Mr. Freer said he is opposed to the Village adopting an EDUs structure and will be in attendance for the public hearings regarding the EDUs.

A phone call to the New York Power Authority (NYPA) regarding firm hydro energy for the month of June revealed that there would be no reduction in firm hydro energy sales to NYPA's hydropower customers for the period of June 1st through 30th.

Kyle Harris, the candidate who was hired to be an electric groundsperson, has passed the test and received his Commercial Driver's License (CDL), so he is ready to begin work on June 17th. [The Municipal Board made a MOTION during its May meeting to hire Kyle Harris as an electric groundsperson beginning June 17, 2010. The Village Board did not make such a MOTION, since the receipt of his CDL was a condition of employment. Since Mr. Harris has since been issued his CDL, it is recommended that a MOTION be made by the Village Board to hire Mr. Harris as an electric groundsperson, effective June 17, 2010. Secretary Fox will speak to Deputy Clerk MaryAnn Martin regarding this item and ask that it be included on the Village Board meeting agenda.]

Assistant Director Bodine said there are some concerns with transformer #1 at the Welker substation. There is an elevated level of combustible gas in the oil samples taken from that transformer. Another sample will be taken. An oil sample from a transformer indicates the healthiness of that transformer; an elevated level of combustible gases indicated that the transformer is getting hot. Each of the transformers at the Welker substation and the Ryder substation will be put on a yearly schedule during which oil samples will be taken. The next phase of work at the Welker substation will involve putting transformer #2 back in service and taking transformer #1 out of service, but this will depend on the results of the oil re-sampling.

The Board reviewed a proposal from Elliott Engineering Solutions to conduct a Stray Voltage Survey for the Village at a cost not to exceed \$4,700. This Survey is done annually and the report generated by the survey will be provided to the PSC (Public Service Commission) in a summary format, which is what they prefer.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to authorize Elliott Engineering Solutions to provide the Village with a Stray Voltage Survey for the year 2010 at a cost not to exceed \$4,700.

Motion Carried.

Assistant Director Bodine reported that he received the contract from the New York Power Authority (NYPA) for the new hybrid bucket truck. This truck was purchased with a zero-interest loan and a \$60,000 grant from NYPA. Stork Insurance is preparing an insurance certificate for this vehicle; copies will be kept on file and a copy will be forwarded to NYPA.

Assistant Director Bodine received a request from Brian Hickman of Coach & Equipment asking the MUB to subsidize fifty percent of a \$90,000 project to install more energy efficient lighting fixtures and bulbs in their factory and offices. Based on their current energy usage, they estimate that this project would reduce their electricity usage for lighting by almost eighty percent while providing a safer workplace. The MUB could provide such a subsidy using IEEP (Independent Energy Efficiency Program) funds. After some discussion about what criteria should be used as a basis for our response, and taking into account the amount of funds provided to Silgan Plastics several years ago using IEEP funds . . .

MOTION by Commissioner Banach, seconded by Commissioner Payne to provide a distribution of funds available through IEEP (the Independent Energy Efficiency Program) to Coach & Equipment in the amount of \$36,774.82; these funds will be used by the company to install more energy efficient lighting fixtures and bulbs in its factory.

Chairman French	Nay
Commissioner LeClaire	Nay
Commissioner Banach	Rescinded the MOTION
Commissioner Payne	Rescinded the MOTION
Commissioner Nissen	Abstained

Motion Defeated.

Discussion ensued as to whether or not we should pattern our response to Coach & Equipment based on what was provided to Silgan years ago. It was decided that a policy should be established so that, moving forward, our response is based on an established policy that is flexible enough to take into account data about a particular business, their account payment history and other circumstances, such as the current economic climate.

MOTION by Commissioner Banach, seconded by Commissioner Payne to establish a policy that the maximum payback period on distributed IEEP funds shall not exceed five (5) years and shall not exceed fifty percent (50%) of the project cost.

Chairman French	Aye
Commissioner LeClaire	Aye
Commissioner Banach	Aye
Commissioner Payne	Aye
Commissioner Nissen	Abstained

Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner Payne to provide a distribution of funds available through IEEP (the Independent Energy Efficiency Program) to Coach & Equipment in the amount of \$45,000; these funds will be used by the company to install more energy efficient lighting fixtures and bulbs in its factory.

Chairman French	Aye	
Commissioner LeClaire	Aye	
Commissioner Banach	Aye	
Commissioner Payne	Aye	
Commissioner Nissen	Abstained	Motion Carried.

During a recent FLWWC (Finger Lakes Water Works Conference) meeting, a SolarBee representative was present and was told that our SolarBee unit is not working. The rep, saying that she wants the Village to be happy with the SolarBee product, sent a proposal listing upgrades the company would perform for a nominal fee (\$950).

MOTION by Commissioner Nissen, seconded by Commissioner Banach to authorize SolarBee to proceed with the repairs of its mixing unit at the Benton Hill Reservoir at a cost not to exceed \$1,000. Motion Carried.

While the Benton Hill Reservoir is being cleaned and inspected, it would be an ideal time to put eyelets into the concrete so we will have the necessary appurtenances in place for future modifications and/or upgrades.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to amend the existing contract with Natgun to include tank cleaning and inspection and the installation of appurtenances necessary to accommodate future system upgrades at the Benton Hill Reservoir at a cost not to exceed \$35,000. Motion Carried.

Director Osgood received an estimate from Roberts Services, Inc. for media for use in the filters at the water treatment plant. This media could be ordered now and stored so that, when it comes time to clean the filters, the media will be on hand.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to authorize the purchase of media for the filters at the water treatment plant from Roberts Services, Inc. at a cost of \$74,600 if money is available from the 2009-2010 fiscal year. Motion Carried.

The Board reviewed a request for additional fees for engineering services to upgrade the PLC at the water plant. Director Osgood reviewed the items mentioned in the request with the water plant staff to determine the scope and extent of work performed. After much discussion . . .

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to approve the payment request from RAM Consulting in the amount of \$5,197.25 for additional engineering services to upgrade the PLC at the Water Treatment Plant.

Chairman French	Nay	
Commissioner LeClaire	Nay	
Commissioner Banach	Nay	
Commissioner Payne	Nay	
Commissioner Nissen	Nay	Motion Defeated.

There are several items that are no longer being used and should be declared as surplus so they can be sold.

MOTION by Commissioner Payne, seconded by Commissioner Nissen to declare three (3) printers, one (1) fax machine and wood chips at the Wastewater Treatment Plant as 'surplus' so the items can be sold. Motion Carried.

Director Osgood presented a draft I&I Policy. The policy outlines the items that perhaps could be reimbursed to the Village from the Municipal when storm sewers are upgraded to accommodate volume increases as a result of the removal of illegal connections from the sanitary sewer. It will be important to have such a policy in place as we continue to address our I&I issues. There was not ample time to review and discuss the draft, so Director Osgood asked the Board members to review it so it can be discussed during the July MUB meeting.

A meeting to discuss EDUs (Equivalent Dwelling Units) has been scheduled for June 17th at 9:00 am in the second floor (corner) meeting room.

The Board members commented on the draft Municipal Tree Ordinance. Several Commissioners believe that the oversight of a Village tree program should fall under the authority of an existing committee rather than establishing a separate Tree Committee.

Mr. Elliott checked the water usage at Eastview Veterinary vs. the Essenhaus to see if it would make sense for us to change our water sampling port for better results. Based on the usage figures, Mr. Elliott does not recommend that we switch to Eastview as a sampling port. Director Osgood mentioned that the septic system at Eastview is around three years old while the one at the Essenhaus is considerably older than that. To properly sample the water at either site, water must be run until the service line is bringing in fresh water from the main. All this wasted water must be treated by the septic system. A newer system might be able to handle this hydraulic load better.

Commissioner Banach plans to attend the Village Board Meeting June 15th.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to accept the payment agreements in the amount of \$8,156.66. Motion Carried.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to authorize amending the Brown Street water line contract with Elliott Engineering Services by up to \$52,000 for engineering and inspection services.

Motion

Carried.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to adjourn into Executive Session at 12:02 pm to discuss personnel issues.

Motion Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn out of Executive Session at 12:30 pm and return to the regular meeting.

Motion Carried.

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: \$ 47,502.33

Capital Paid Before Audit: \$ 0

Electric: \$ 36,612.36

Water: \$ 23,548.23

Sewer: \$ 11,510.79

Capital Projects: \$ 0

Total Municipal Audit \$119,173.71

Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to adjourn the meeting at 12:34 pm.

Motion

Carried.

The next Municipal Board Meeting will be held Thursday, July 15th at 8:30 am in the corner meeting room on the second floor of the Village Office building.

Karen M. Fox, Secretary