

MINUTES of the Penn Yan Municipal Board Meeting held August 12, 2010 in the second floor MUB 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, 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: Mayor Bob Church, Village Trustees Wayne Davidson and Rich Stewart, Code Enforcement Officer Bruce Lyon, Village Intern Brian Hall, Keuka Park Water/Sewer Clerk Carrie Wheeler, Village Engineer Bob Elliott and Fairgrounds Association Representatives Dale Lane and Bob Peacock

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

MOTION by Commissioner Payne, seconded by Commissioner Banach to approve the minutes of the Municipal Board meeting held July 15, 2010 with one change: Commissioner Nissen was unable to attend the July MUB meeting, but was mistakenly listed as making a Motion to adjourn into Executive Session. Motion Carried.

Dale Lane and Bob Peacock of the Yates County Fair Association were invited to attend today's meeting and addressed the Board to discuss their concerns regarding possible annexation into the village. The fairgrounds site currently receives water from Penn Yan but there are no sewer connections; instead, a dual grinder pump system is on the site and portable toilets are used during events. The Village is unable to provide sewer for the site unless it is annexed into the village. The Fairgrounds Association has asked the Town of Milo if it would be willing to establish a sewer district to serve the fairgrounds property and, so far, the Town seems to prefer not to pursue the formation of a sewer district because it would cost the Town several thousands of dollars. The Village does not currently have zoning regulations in place to address 'fairgrounds' and the Fairgrounds Association is concerned that the Village will impose restrictions that will have a negative impact on their events. Chairman French assured Mr. Lane and Mr. Peacock that this would not be the case and that the Village would need to know what the Association needs to operate its events and could then establish appropriate zoning legislation. Chairman French added that annexation would benefit both the Village and the Fairgrounds – the Village could expand its boundaries and be poised for future growth and the Fairgrounds would receive all Municipal utilities, making the property worth more should the Association decide to sell it. Annexation would also allow the Village to connect an existing dead end water line to the Meadowside complex to the water line at Horizon Park. It would also allow NYSEG to upgrade its gas supply line to Meadowside; currently, Meadow-side gas pressures are too low to support future growth. This gas service would be needed for any future expansion at Meadowside, since electric heat would not be an option because of Village restrictions on establishing new electrical heating systems.

Mr. Lane stated that his concern is that the process of annexation would need to be done before the zoning legislation could be discussed. Code Enforcement Office Lyon stated that the Village would need to create a 'recreation' district, a 'fairgrounds' district or a 'planned business' zone with specific allowances to accommodate the types of events held at the fairgrounds. Chairman French asked Mr. Lane and Mr. Peacock to ask the rest of the Fairgrounds Association members to list their concerns and bring them back to the Municipal Board for review. It would also be helpful if the Board had a list of all the different activities that are held at the fairgrounds so that a preliminary zoning plan could be written. Mr. Lane asked if he could attend the next Planning Board meeting (September 13th). Village Trustee Wayne Davidson stated that he will call Planning Board Chairman Cliff Orr about adding the Fairgrounds Association to the Planning Board agenda. (Mr. Lane and Mr. Peacock left the meeting at 9:12 am.)

Village Intern Brian Hall presented the Board with an overview of what he has been doing as part of his summer internship. He has been investigating I&I (Inflow and Infiltration) problems throughout the village by looking at sewer lines and systematically conduct flow monitoring to identify major sources of I&I. According to the summary provided to the Board, Mr. Hall stated: "I monitored intersecting sewer lines to determine which lines had the larger increase in flow level during rain events. The investigation started where the main sewer lines terminate at the Cherry Street pump station and then moved up the line having the greatest rise in flow level during rain events. This process was then continued through the branching of the sanitary sewer system to locate sources of inflow and to determine regions that require further investigation." Mr. Hall provided a presentation packet that included information from his test manholes showing the level of flow, rainfall amounts and effluent charts from the wastewater treatment plant. In his summary, he stated: "The I&I survey has revealed measurable rainwater flows from the Lake Street Plaza into manhole #82 (Kimble Avenue). The line from manhole #287 (Basin Street and Elm Street) to the dead end at Main Street also has a very significant inflow during rain events from an unknown source, with an inflow rate of approximately 100,000 gallons. Dye testing, examination by video or excavation of these sites is recommended. The data from the manholes at the Main Street intersections indicate that most rain inflow occurs upstream on the Water Street and Elm Street lines, especially on Water Street. Cherry Street southwest of the Keuka Outlet also exhibited a significant flow level increase during rain events. Further flow surveys in these sewer lines need to be done. The flow levels recorded in manhole #275 on Main Street, manhole #270 on Wagener Street and manhole #356 on Seneca Street appear relatively unchanged during rain events. Further investigation of sanitary sewer lines upstream of manholes #275, #270 and #356 is not required."

In addition to working on flow monitoring, Mr. Hall also established an I&I database using Access. The Board members agreed that Mr. Hall did an excellent job with his presentation and that he has been a valuable asset to the Village this summer. His presentation packet will be forwarded to the Department of Environmental Conservation (DEC) to demonstrate how the Village is actively working to identify and address its I&I issues. Mr. Hall stated that he enjoyed his internship with the Village and learned a lot. Mr. Hall's internship ends next Friday. Chairman French told Mr. Hall that he and the other members of the Municipal Board would be happy to provide him with letters of recommendation, if he should ever need them. (Mr. Hall left the meeting at 9:50 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:

Paid Before Audit:	\$	0	
Capital Paid Before Audit: \$	\$	0	
General	\$	25,466.53	
Electric:	\$	204,125.31	
Water:	\$	8,617.97	
Sewer:	\$	101,435.87	
<u>Capital Projects:</u>	<u>\$</u>	<u>0</u>	
Total Carried.	\$	339,645.68	Motion

Clerk-Treasurer Wilber reported that she spoke with one of our auditors, Bill Freitag, and he stated that the Village could be in a better position this year to file a request with the Public Service Commission for an electric rate increase. Chairman French commented that, under the old accounting system, the utility bills for the various properties he owns were all sent in one envelope; now, using the new system, the bills are each mailed separately. He asked how this is cost-effective. Clerk-Treasurer Wilber stated that the new system can't sort the bills according to landlord name, so the bills would need to be sorted by hand. Such hand-sorting used to be done by Account Clerk Christine Mickelsen. But if you compare her time spent on such activity and the pay rate, it is much more cost-effective for the Village to spend a little more on postage rather than have Ms. Mickelsen hand-sort 1,000 bills at a time.

Director Osgood provided an update on the E. Elm Street water line project. Phase II and Phase III of the project have been designed. Paving work from Main Street to just east of Benham Street is scheduled to take place the middle of September. Yates County will be providing the Village with their hydraulic excavator and a backhoe as well as operators, saving the Village money. The money saved on equipment will be used to pay for curbing work in front of the Wagoner restaurant where there is currently no curb revealed.

Director Osgood presented a draft I&I Policy during last month's Board meeting outlining 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. Director Osgood urged the Municipal Board members to sit down with Village Board members to establish such a policy and put money in next year's budget to cover reimbursement to the DPW for the remediation of I&I issues.

Director Osgood provided the Board members with a copy of Onondaga County's proposed legislation regarding illegal sewer connections. This proposed legislation is very comprehensive and the Village could use this as a template when establishing its own legislation.

Director Osgood pointed to four maps of the village that had been put up on the wall of the conference room showing various water and sewer work done during Director Osgood's eight years with the Village. The first shows the amount of storm sewer upgrades completed during that time. Very little work has been done on storm sewers and much more needs to be done. The second map shows the water line upgrades, which are quite a few. The third map shows that a decent number of sanitary sewer upgrades have been completed. And the fourth map shows that quite a number of surveys have been completed.

Director Osgood was contacted by JoAnne Leegant, the attorney representing Mr. and Mrs. Marvin Mize. The Mizes have protested the payment of sewer charges due to a water leak at their home at 135 Linden Street in 2009. Their contention is that none of the water from the leak entered the Village's sanitary sewer system. Director Osgood asked the Mizes to submit proof that none of the water could have entered the sanitary sewer. An inspection of their home is necessary to determine if there are any drains or other connections to the sanitary sewer. Ms. Leegant told Director Osgood that the Mizes would be in New York in October and that an inspection could take place at that time. Director Osgood would like to conduct the inspection sooner than that. The Board agreed and gave Director Osgood permission to draft a letter (under Attorney Brockman's signature) stating this. The sewer charge was relieved on the Mize's taxes; on August 10th, they paid their entire tax amount – which included the sewer charges — under protest.

Director Osgood presented a draft policy regarding grinder pumps and basins. The size of a newly-installed basin should be increased so that it can accommodate regular flow and at least one day of overflow after the alarm sounds; this way, Municipal personnel can respond to the situation with minimal overtime incurred and without sewage backing up into the home. Larger basins will be installed and an audio and visual alarm will be installed on the pump and inside the home it serves as the pumps are replaced.

Director Osgood recommended that the W. Lake Road reservoir be taken offline this winter. This will be a trial run that will allow us to identify problem areas in our water distribution system and address them now before the reservoir is taken offline for painting in a few years. What we need to determine is whether or not we can control the pressure to prevent water main breaks. The Board agreed that this is a good idea and asked Director Osgood to develop a plan to do this.

It was the intention of the water treatment plant staff to take clarifier #1 and clarifier #3 offline today for cleaning,

but it seems they will only get #1 done today. The cleaning process is not going as smoothly with this clarifier as it did with clarifier #2 last month. Clarifier #3 will be taken offline and cleaned August 26th. Secretary Fox will send notification to the Village's wholesale water customers regarding this.

A promotional and open-competitive exam is being offered on September 25th for the position of Chief Water Plant Operator. All three of our employees who are currently licensed as Water Plant Operators have indicated that they will be taking the exam. This leaves only our Water Plant Operator Trainee, Doug Marchionda, Jr., available to run the plant that day, and that is not acceptable according to Department of Health regulations. Therefore, coverage will be needed at the plant so that the operators can focus their attention on the exam. Dick LaRock will not be available to work that day. Jens Jensen could be contacted and Ron Keech, who holds a valid license to operate the plant, could be asked as well. Director Osgood was asked to look into this.

On August 4th, an incident occurred at the wastewater treatment plant (WWTP). The containment gate on one of the reed beds failed while the WWTP staff was putting supernatant on the sludge. The weight of the liquid was too much to contain and the planking for the gate gave way. The DEC was notified via phone soon after this happened and Ben sent a report for the DEC. The current gate structures are being looked at and improvements will be made. Director Osgood commended the WWTP staff for working so quickly to contain the spill.

(Dick Osgood left the meeting at 10:25 am to meet representatives of the Army Corps of Engineers who are in Penn Yan to inspect the flood gates on the Keuka Outlet.)

The monthly letter from the New York Power Authority (NYPA) regarding firm hydro energy for the month of August stated that there would be no reduction in firm hydro energy sales to NYPA's hydropower customers for the period of August 1st through 31st.

The MEUA Annual Conference is being held September 14th to 17th in Lake Placid, NY. Assistant Director Bodine and Commissioner Banach are interested in attending at a cost of \$100 per person for the conference, \$759.16 per person for lodging and meals, plus mileage.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to authorize the attendance of up to two (2) employees at the MEUA Annual Conference being held September 14-17 in Lake Placid, NY at a cost of \$100 per person for the conference, \$759.16 per person for lodging and meals, plus mileage. Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to appoint Assistant Director of Public Works Bodine as the Village's delegate at the MEUA Annual Conference in Lake Placid, NY.

Motion Carried.

Assistant Director Bodine presented information on two vehicles available on state bid – the 2011 Chevrolet HHR (\$16,400) and the 2011 Ford Escape XLS (\$20,400) – that could become the car #1 and be used by the Director of Public Works. It was agreed that the Ford Escape would be roomier and could be used to transport Village employees to conferences or training sessions. And, unlike the Chevrolet HHR, The Ford Escape is four-wheel drive and would have better resale value. Money is available in this year's budget to cover this purchase.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to recommend to the Village Board that a 2011 Ford Escape XLS be purchased for the state bid price of \$20,335.99 and be designated as car #1.

Motion Carried.

As part of its bid proposal for the new hybrid electric bucket truck, Dueco included paying to have two of our employees travel to Waukesha, Wisconsin to inspect the truck before it's painted. Two members of the Municipal electric crew will be traveling to Waukesha to do the inspection.

Assistant Director Bodine provided the Board with information about water meter replacements. As of March 25, 2010, seventy-eight percent of our replaceable water meters have been replaced in the past ten years. Provided we install all of the meters we've ordered this fiscal year (246), we will have ninety percent of our replaceable water meters on a ten-year replacement cycle as of May 31, 2011. About a month ago, Assistant Director Bodine received confirmation that Badger will no longer be manufacturing the "Read-o-Matic" meters that we currently use. The meter that Badger will manufacture to replace the "Read-o-Matic" is called the Orion. It is one of the basic elements to their solution for AMR/AMI. Currently the cost of these meters is more than double the cost of the "Read-o-Matics" and a Badger representative has suggested that we change our current order and start installing the Orion meters. Assistant Director Bodine decided to leave the current order as-is for the rest of this fiscal year. Looking forward, he believes that we need to revisit the topic of AMR/AMI systems. This has been discussed in the past and the cost seemed astronomical. But technologies are improving and grant money is available. Assistant Director Bodine and Commissioner Banach will look into this.

During last month's meeting, the Board discussed the fact that the water salesman rate should be reviewed before new water rates are possibly enacted on June 1, 2011. The water salesman rate has not been increased for years. The current mechanism on the salesman is not working properly and Assistant Director Bodine will explore the options available to upgrade or replace the current system of water delivery.

As part of his training to secure a Water Treatment Plant Operator's license, Water Plant Operator Trainee Doug Marchionda, Jr. is required to receive Grade A training through Western NY Water Works. Such training is being offered October 18th to the 29th in Amherst, NY at a cost of \$800 for the training, \$1,240 for lodging (ten nights), plus meals and mileage.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to authorize the attendance of Water Treatment Plant Operator Trainee, Doug Marchionda, Jr., at the Class A Certification Training October 18th-29th in Amherst, NY at a cost of \$800 for the training class, \$1,240 for lodging, plus meals and mileage.

Carried.

Assistant Director Bodine reported that second interviews were held with two of the candidates for the position of Assistant Director of Public Works. After much deliberation, Assistant Director Bodine decided that Bill Jensen was the better candidate for the position and made an offer of employment to him. Mr. Jensen has been given until August 16th to provide his response.

MOTION by Commissioner Nissen, seconded by Commissioner Banach to recommend to the Personnel Committee and the Village Board that William Jensen be hired as the Assistant Director of Public Works at a yearly salary of \$53,000, pending Mr. Jensen's acceptance of the offer of employment. Motion Carried.

Village Engineer Elliott said that the recent meeting with the new owners of CASP, LLC was very positive and it left him with the impression that we will be dealing with people with good intentions and the finances needed to improve their facility. Information has been provided to the new owners regarding what CASP still owes the Village for surcharges and manhole rehabilitation.

Village Engineer Elliott reported that, by the end of August, the Clean Water State Revolving Fund Hardship Application for the wastewater treatment plant will be submitted. We need to submit this hardship application so we can be in the running for possible stimulus funds. It will take a few months until we hear the results.

Chairman French and Commissioner Banach plan to attend the Village Board meeting August 17th.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to approve the payment agreements in the amount of \$6,677.27. Motion Carried.

Trustee Stewart asked that we keep moving forward with the EDU discussions. He asked that Assistant Director Bodine prepare a timeline so that discussions can stay on track and the new EDU billing structure be adopted and go into effect January 1, 2011. Public hearings will need to be included in that timeline.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to adjourn into Executive Session at 11:46 am to discuss legal issues. Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to adjourn out of Executive Session at 12:06 pm and return to the regular meeting. Motion Carried.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to adjourn the meeting at 12:08 pm. Motion Carried.

The next Municipal Board Meeting will be held Thursday, September 16th at 8:30 am in the corner meeting room on the second floor of the Village Office building.

Karen M. Fox, Secretary