

MINUTES of the Penn Yan Municipal Board Meeting held September 13, 2012 in the MUB Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

ATTENDEES: Chairman Rom French, Commissioners Dan Banach, Dave Payne and Leigh Mackerchar, Village Clerk-Treasurer Shawna Wilber, Director of Public Works Brent Bodine and Assistant Director of Public Works Bill Jensen

ALSO ATTENDING: Village Engineer Bob Elliott, WWTP Chief Operator Ben Sward, Keuka Park Water/Sewer Clerk Carrie Wheeler and Dundee Observer Reporter David Specksgoor

ABSENT: Village Trustee Willie Allison and Commissioner Bruce LeClaire

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

### **APPROVAL OF MINUTES**

MOTION by Commissioner Banach, seconded by Commissioner Payne to approve the minutes of the August 16, 2012 MUB meeting minutes with no corrections. MOTION CARRIED.

### **PUBLIC REQUESTS AND COMMENTS**

None.

### **CALL FOR EXECUTIVE SESSION**

MOTION by Commissioner Banach, seconded by Commissioner Mackerchar to hold an Executive Session at the end of this meeting to discuss personnel issues. MOTION CARRIED.

### **MUNICIPAL EMPLOYEE**

WWTP Chief Operator Ben Sward was in attendance. He reported that the WWTP staff is doing routine maintenance and planning for improvements that will be done with the \$4 million EFC no-interest loan. The Village is on a list to receive funding for a composting program and hopefully we'll soon be approached by the funding source to see if we're still interested in pursuing establishing a composting facility. We are interested, so our name will remain on the list and we could eventually receive funding for this project.

According to Chief Operator Sward, it seems our I&I Elimination Program is having a positive effect on the plant – during recent rain events, there was no noticeable increase in wastewater coming into the plant. Director Bodine reported that all of the downspouts at the Lake Street Plaza have been disconnected from the sanitary sewer. Unfortunately, some of the water that now spills onto the parking area is creating a problem for the theater owner, as water enters the back door to the theater during rain events. The theater owner asked Director Bodine if he could do anything about this problem and Director Bodine told him he needed to talk to the owner of the Plaza regarding this.

While WWTP Chief Operator Sward was present, the Board reviewed the items listed under 'Wastewater Treatment Plant' on the agenda.

### **WASTEWATER TREATMENT PLANT**

Chief Operator Sward mentioned that Steve Castner would like to attend a NYRWA training session on Chemical Addition for Water/Wastewater Treatment being held September 27<sup>th</sup> in Painted Post, NY at a cost of \$24/pp.

MOTION by Commissioner Payne, seconded by Commissioner Mackerchar to authorize the attendance

of 1 WWTP employee at the NYRWA training session (Chemical Addition for Water/Wastewater Treatment) being held September 27<sup>th</sup> in Painted Post, NY at a cost of \$24/pp.

Ayes 4            French, Banach, Payne, Mackerchar  
Nays 0

MOTION CARRIED.

The Board asked if a backup plan is in place if the sewer force main would ever fail. Assistant Director Jensen stated that we could develop a bypass system and that equipment and parts are on hand for immediate repairs if the cause of the problem was not a catastrophic failure. The force main is not very old – it was put in place in the 1980s. Village Engineer Elliott stated that we could do ultrasonic thickness testing of the main the check its condition if we wanted to. Director Bodine told the Board there is no way to justify the cost to construct another force main at this time.

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

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

Electric Fund	\$261,091.84
Water Fund	\$ 8,216.81
Sewer Fund	\$ 9,523.39
Total Municipal Audit	\$278,832.04
(plus)	
Facade Program	\$ 0
General Fund	\$25,459.78
Total Village Audit	\$304,291.82

Ayes 4            French, Banach, Payne, Mackerchar  
Nays 0

MOTION CARRIED.

### **TREASURER’S REPORT**

According to Clerk-Treasurer Wilber, the audit is going well and no major issues have been cited so far. Once the audit has been completed, Clerk-Treasurer will invite representatives from the affected municipalities to a meeting to explain the audit. Such a meeting may be less intimidating and more effective if the audit presentation is made by Clerk-Treasurer Wilber rather than the auditors.

Clerk-Treasurer Wilber presented a letter she drafted to St. Mark’s Terrace Administrator Deb Hafleigh to address her concerns about how the EDU billing structure will affect the Terrace’s water and sewer bills. The letter explains:

“An EDU is equal to one single-family dwelling. Individual apartments (whether in multi-family homes, individual buildings or complexes) are also equal to one EDU. Motel and hotel rooms are equal to one-half of an EDU, B&Bs are equal to one-quarter of an EDU per guest room plus one EDU for the owner/occupant. Food Serving Establishments with less than 50 seats are 3 EDUs and greater than 50 seats are 4. For all other Commercial, Institutional and Industrial uses not otherwise defined are based on meter service size.

Although you are a non-profit entity which houses aged residents of low income, this does not quantify a change of classification. St. Mark’s Terrace offers a non-medical, independent setting to its residents and each unit is self-sufficient with a bath, toilet and kitchen.

Based on the research described it has been determined that St. Mark’s Terrace is properly classified and billed as 104 EDUs, based on the number of apartment units the building maintains. This information has been presented to

the Municipal Utilities Board and they support this determination.”

The Board agreed the letter should be printed on MUB letterhead and mailed under Chairman French’s signature. Clerk-Treasurer Wilber will forward the letter to Secretary Fox to have Chairman French sign it.

### **ELECTRIC**

**NYPA Firm Hydro Energy for September** – NYPA’s memo indicates that there will be no reduction in September.

**NYPA Firm Hydro Energy for October** – NYPA’s memo indicates that the Power Authority will be implementing an 8.3% reduction in firm hydro energy sales on a pro-rata basis to all of its hydropower customers for the period of October 1<sup>st</sup> through 31<sup>st</sup>. This is due to continuing low water conditions of the Great Lakes and St. Lawrence drainage basin. This means that an additional amount of supplemental power will need to be purchased.

Director Bodine received a memo from Tony Modafferi of NYMPA stating:

“You will be receiving a letter from NYPA in regards to a hydro shortfall predicted for the month of October. The letter asks if you want the NYPA to make arrangement for your municipality to obtain substitute energy if the shortfall actually occurs. Just as a reminder, NYMPA covers your substitute energy needs as part of its normal procedure.”

Director Bodine spoke to Mr. Modafferi regarding this and Mr. Modafferi said that the offer to have NYPA make arrangements does not apply to Penn Yan and would be of no benefit to us.

Director Bodine provided a recap of the MEUA Annual Conference held in August. Director Bodine reported that he was elected to the MEUA Executive Board, which is for five-year term.

During the Conference, a presentation was made by Frank Radigan of the Hudson River Energy Group regarding the NYPA RSR (Rate Stabilization Reserve) Audit. The RSR was established in 1987 and is designed to capture the under-recovery or over-recovery of costs relative to the costs collected through tariff rates. The RSR reconciles NYPA revenues with its actual costs and net generation from hydro resources. In NYPA’s rate case last year, they proposed an RSR surcharge for 2014. NYPA showed an RSR balance as of December 31, 2010 to be about -\$51.3 million. That figure, less \$25 million dead band, means that a \$26.3 million shortfall needs to be recovered from NYPA’s customers. At \$26.3 million, the RSR would result in an 11% rate increase for NYPA customers. The MEUA filed for discovery (information disclosure) in June, 2012 and partial responses to questions were filed by NYPA in July. The MEUA’s will pay close attention to this situation to make sure calculations are done fairly and correctly. But NYPA has control of the speed at which inquiries are answered and how thorough its responses are. Director Bodine will provide the Board with an idea of how the 11% increase will affect our customers once the final increase has been determined.

Chairman French had asked Director Bodine to provide the Board with a list of the Village’s largest users of electricity. The top users, in order, are: Silgan Plastics, CASP Manufacturing, S&S Hospital, Birkett Mills, Tops Market, Penn Yan Academy, the Water Treatment Plant and Coach & Equipment.

Director Bodine said we need to encourage these entities to use electricity more efficiently. Toward that end, Director Bodine presented a handout he received from ECHO, a management enterprise of Energy New England that helps businesses reduce their energy costs while enhancing the efficiency of lighting systems and mechanical equipment. The ECHO program is designed to help businesses improve their energy efficiency and realize the financial benefits of doing so. There are energy efficiency programs

available through the IEEP, but ECHO provides several services the IEEP does not, such as a power factor analysis, management of electric demand and associated costs, and an energy management system so businesses can monitor their energy usage and schedule operations accordingly. The Board agreed that a letter should be sent to the largest energy users in the village along with the ECHO handout, not endorsing any particular company, but to let the entities know that, in addition to the IEEP programs, there are other programs available to help them make their operations more energy-efficient.

In a letter from Plant Manager Al Tokar at CASP LLC, CASP is requesting consideration in the IEEP program for an incentive to offset the investment of \$58,875 for plant lighting upgrades in its food manufacturing facility. Of that amount, CASP is looking for \$35,000 - \$45,000 reimbursement. Director Bodine suggested that \$12,900 be provided to CASP through the IEEP program, with a three-year payback period.

MOTION by Commissioner Banach, seconded by Commissioner Payne to recommend to the Village Board that \$12,900 be provided to CASP, LLC – through the IEEP program – for upgrades to the energy-efficient lighting in its food manufacturing facility.

Ayes 4            French, Banach, Payne, Mackerchar  
Nays 0

MOTION CARRIED.

As a member of the MEUA Executive Board, Director Bodine will be attending a joint NYMPA/MEUA meeting on September 26<sup>th</sup> and will be staying overnight September 25<sup>th</sup> at the Embassy Suites in East Syracuse, NY at no cost to the Village.

There is a pole on Garfield Avenue that is in the Finger Lakes Railroad's right-of-way. This pole supports the 34kV service in that area. Currently, the distribution circuit is putting tension on the pole and slowly causing the pole to lean. An overhead guy wire would stabilize the pole. If we want to take action to prevent the pole from leaning over further, we would need to pay the Finger Lakes Railroad (FLRR) an application fee of \$1,000 plus \$1,500 for engineering evaluations. Moving the pole to a location outside of the FLRR right-of-way may not be the best option. Director Bodine and Assistant Director Jensen will present recommendations on how to address this issue during the October MUB meeting.

Director Bodine and Commissioners Banach and Payne will be attending the NYMPA Semi-Annual Meeting on October 31<sup>st</sup> in East Syracuse, NY at a cost of \$55/pp. Attendance for up to three people at this Meeting was approved by Resolution No. 16-2012, so this is an F.Y.I. for the Board.

### **WATER/SEWER**

Director Bodine reported that we are continuing to aggressively complete I&I (Inflow and Infiltration) inspections at village residences and businesses. Director Bodine asked Village Engineer Elliott to update the I&I map of the village. Once all the inspections have been completed, Director Bodine will prepare a report for the Municipal Board and provide suggestions on how to identify other possible sources of inflow and infiltration. The new Sewer Use Law (Chapter 194 of the Village Code) will go into effect if approved during the Public Hearing on September 18<sup>th</sup>. Once passed, it will be mandatory for an I&I inspection to be conducted before a property transfer can occur.

The Board reviewed a letter from John Socha, the Accountant for the Penn Yan Hospitality Group (Best Western Vineyard Inn & Suites). In the letter, Mr. Socha states:

“We have been charged for sewer usage at 110 Brown Street yet we have not had any running water in the building. The only water we have used is to the outside spigot. We have nothing returning to the drains. We are requesting a review of our account and a credit for an amount equal to the unused sewage consumption charge for the last two bills (July and August, 2012). We are also requesting not to be charged for more than the base fee for sewer going forward until we notify you of hookup.”

The Board's current policy is that, if there is water going into a building, then sewer charges also apply. In the past, the Board has always been consistent with this policy. According to the photos submitted by Mr. Socha, it seems that the water connections are in the building but the fixtures have been removed. The Board agreed that the sewer charges should not be waived and that more than the base fee for sewer will continue to be charged to 110 Brown Street going forward. Director Bodine was asked to write a letter to Mr. Socha to let him know the Board's decision in this matter. In that letter, Director Bodine should also mention that the Code Enforcement Officer, Bruce Lyon, will follow up with Mr. Socha because methane gas could be leaking into the building.

MOTION by Commissioner Mackerchar, seconded by Commissioner to approve the request from the Penn Yan Hospitality Group to forgive sewer charges for 110 Brown Street for July and August, 2012 and to approve the request to charge no more than the base fee for sewer going forward until fixtures are connected at that property.

Nays 4 French, Banach, Payne, Mackerchar  
Ayes 0

MOTION DENIED.

### **WATER TREATMENT PLANT**

WTP Chief Operator Yonts and WTP Operator Galliher would like to attend NYRWA Lab Training October 25<sup>th</sup> in Watkins Glen, NY at a cost of \$75 per person.

MOTION by Commissioner Banach, seconded by Commissioner Mackerchar to authorize the attendance of two (2) WTP employees at the NYRWA Laboratory Training being held October 25<sup>th</sup> in Watkins Glen, NY at a cost of \$75 per person.

Ayes 4 French, Banach, Payne, Mackerchar  
Nays 0

MOTION CARRIED.

All four WTP employees would like to attend the two-day training being offered by Hach Company October 9<sup>th</sup> and 10<sup>th</sup> in Waterloo, NY. The Laboratory Skills Workshop (October 9<sup>th</sup>) will be attended by Chief Operator Yonts, Operator Galliher and Operator Breuer while the Process Instrument Verification session (October 10<sup>th</sup>) will be attended by Chief Operator Yonts, Operator Marchionda and Operator Breuer. The cost is \$125 per person per session for a total of \$750.

MOTION by Commissioner Banach, seconded by Commissioner Mackerchar to authorize the attendance of all four WTP employees at Hach Company training October 9<sup>th</sup> and 10<sup>th</sup> in Waterloo, NY at a cost of \$125 per person per session = \$750.00); three employees will attend the training on October 9<sup>th</sup> and three employees will attend the training on October 10<sup>th</sup>.

Ayes 4 French, Banach, Payne, Mackerchar  
Nays 0

MOTION CARRIED.

### **OTHER BUSINESS**

The Board briefly discussed water only meters. There was a policy put in place in 2008, but Director Bodine would like to update that policy to provide customers the option of a water only meter but a better way to regulate the usage of such meters.

Bids for the new water line on Keuka and Water Streets are due October 3<sup>rd</sup> at 3:00 pm. The bid results will be presented during the October MUB meeting.

As an F.Y.I. for the Board, hydrant flushing will take place in Penn Yan the week of September 24<sup>th</sup>.

Director Bodine and Assistant Director Jensen will be in Canandaigua October 22-24 for Public Works Training School and Assistant Director Jensen will be in Waterloo October 31<sup>st</sup> for a surveying training session.

### **VILLAGE ENGINEER'S REPORT**

With regard to replacing a gasket in the water plant intake pipe, Village Engineer Elliott said this work will be done in September while the lake water temperatures are still warm. The cost will be approximately \$65 for a new gasket, plus the cost of installation.

As part of the CWSRF (Clean Water State Revolving Fund), an energy audit will be done by a NYSERDA consultant to make sure the proposed improvements at the WWTP will be done in a cost-effective manner.

### **VILLAGE BOARD MEETING**

Chairman French and all the Commissioners plan to attend the Village Board Meeting on September 18<sup>th</sup>. A certificate and a gift will be presented to former Commissioner Jerry Nissen at the beginning of that meeting.

### **PAYMENT AGREEMENTS**

MOTION by Commissioner Banach, seconded by Commissioner Payne to accept the Payment Agreements in the amount of \$14,533.86. MOTION CARRIED.

### **SERVICE REQUESTS**

The various crews are continuing work to address issues listed in the Service Requests report.

### **EXECUTIVE SESSION**

MOTION by Commissioner Mackerchar, seconded by Commissioner Banach to adjourn into Executive Session at 10:52 am.

MOTION by Commissioner Banach, seconded by Commissioner Mackerchar to adjourn out of Executive Session at 11:50 am and return to the regular meeting.

### **NEXT MEETING**

**The next Municipal Board Meeting will be held Thursday, October 11, 2012 at 8:30 am in the MUB meeting room on the second floor of the Village Office building. A photo of the Board will be taken at that time.**

### **ADJOURNMENT**

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn the meeting at 11:52 am. MOTION CARRIED.

*Karen M. Fox, Secretary*