

MINUTES of the Penn Yan Municipal Board Meeting held October 15, 2009 in the Basement Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

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

ALSO ATTENDING: Village Trustee Rich Stewart, Recreation Director Dan Doyle, WWTP Chief Operator Ben Sward, Bob Elliott (Elliott Engineering Solutions), Carrie Wheeler (Town of Jerusalem) and Pete Gamba, Vaughn Baker and Steve Coffman (the Committee to Preserve the Finger Lakes)

Chairman French called the meeting to order at 9:00 am.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to approve the minutes of the Municipal Board meeting held September 10, 2009 with one correction: on page two, Brent Bodine was referred to as the 'Deputy Director' of Public Works and that should have been 'Assistant Director' of Public Works. Carried.

Pete Gamba, Vaughn Baker and Steve Coffman of the Committee to Preserve the Finger Lakes addressed the Board. They presented a Supplemental Generic Environmental Impact Statement (SGEIS) issued by the DEC (Department of Environmental Conservation) regarding gas well drilling into Marcellus shale properties, which hold a large amount of natural gas underneath five states, including much of New York. In 1992, a method to tap into this natural resource was developed and there are wells at various fracturing sites. The DEC's position is that the current drilling is being done in the same manner as past years while the Committee to Preserve the Finger Lakes contends that the drillers are now using millions of gallons of fresh water and chemicals in their operations which is a departure from past practices. This drilling is being done on a large scale and is a major industrial operation.

The Committee to Preserve the Finger Lakes has several concerns. They believe the use of so many gallons of fresh water needs to be monitored. They are also concerned about the effects of chemicals used during the fracturing process. About half of the fresh water used is brought back to the surface (called flowback), but what impact does the other half have on the earth since this is water contaminated with chemicals and heavy metals picked up from the shale during the fracturing process. Another concern is that the contaminated water brought back up to the surface is disposed of properly. Regular wastewater treatment plants cannot handle such waste. For now, this water is being placed in steel tanks and the DEC is cataloging what the materials are and where they are being stored. The Committee believes the DEC is understaffed to oversee such a large-scale operation. They asked the Board that, if the Village is approached about treating the contaminated flowback, would they give permission to have it treated at the wastewater treatment plant (WWTP)? Bob Elliott explained that we have an Industrial Pretreatment Program in place which helps us determine the type of waste industries plan to discharge to our WWTP. We can then decide whether or not our plant can accept such waste and the DEC would not be able to override our decision. The Committee members thanked the Board for their time and emphasized that their goal is to share information and inform people about the possible environmental risks associated with gas well drilling. More information about their efforts is available at [www.preservethefingerlakes.com](http://www.preservethefingerlakes.com).

(The Committee members left the meeting at 9:45 am.)

Recreation Director Dan Doyle addressed the Board He asked the Board for permission to move forward toward purchasing several AEDs (Automatic External Defibrillators) for the Village. He explained that the application he is ready to submit is not actually for a grant, but rather a buy-down program. We don't need to know the exact type of AED we want to purchase; we can submit the application and, once funding is approved, we can then choose an AED model. The Zole unit seems to be the most logical, since it is the same model used by the Penn Yan Ambulance Corps. Also, training costs would be minimal as Village employees could be trained on the Zole unit online. The Board agreed further discussion is needed to determine in exactly which buildings and vehicles the units should be located. The Board agreed Recreation Director Doyle should proceed with submitting the application.

(Recreation Director Doyle left the meeting at 9:55 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: \$162,103.60

Capital Paid Before Audit: \$0

Electric: \$ 116,553.80

Water: \$ 20,566.97

Sewer: \$ 26,290.21

Capital Projects: \$0

Total Municipal Audit \$325,514.58

Carried.

Village Clerk/Treasurer Wilber asked permission to send a check payable to Yates County for \$589.50 to cover filing fees for nine electric easements involving the east side of the Village office building and several buildings on Main Street including Henderson's.

MOTION by Commissioner Banach, seconded by Commissioner Payne to authorize Clerk/Treasurer Wilber to send a check payable to Yates County for \$589.50 to file nine electric easements. Carried.

Director Osgood is meeting with Don Jensen of 130 Main Street this afternoon. Mr. Jensen contends that he owns the area where a transformer is to be located next to Henderson's on the north side of the building. But, according to a survey done recently by Rick Willson, it appears the property in question belongs to the Village.

Clerk/Treasurer Wilber is working on different scenarios of how an EDU (Equivalent Dwelling Unit) billing structure could work. She will discuss this further with Bob Elliott.

Assistant Director Bodine, Attorney Brockman and Code Enforcement Office Bruce Lyon are working on updating the Village Code regarding electric heat. Secretary Fox was asked to look back in the MUB meeting minutes from this year to determine whether or not the Board set any sort of policy regarding the electric heat Code.

According to the May 14, 2009 Municipal Board meeting minutes:

So as not to overburden the Village's current demand for electric, and keeping in mind that there will be an electric load increase once the former Penn Yan Marine Company site and the Keuka Outlet are developed, the issue was raised as to whether or not we could legally develop a new Village Code that would (a) prohibit the installation of electric heating systems in new buildings and (b) mandate that structures be upgraded to meet the federal energy code when substantial alterations are made to existing structures. After some discussion . . .

MOTION by Commissioner Payne, seconded by Commissioner Banach for Director Balsley to forward information to Village Attorney Brockman and have him determine if a new Code can be written and included in the Village Code to address the issue of electric heat in new and existing buildings. Carried.

This was the only MOTION made with regard to the electric heat Code. Since May, a few meetings were held with then-Director Balsley, Attorney Brockman and Bruce Lyon but no recommendations have been made to the Municipal or Village Boards. Assistant Director Bodine will move this Code change forward.

Director Osgood provided an update on the Brown Street water line project. Specifications for the project have been updated. He received an e-mail from Charlie Pillion, Community Developer from the Office of Community Renewal in Albany stating that he needs to review the updated specifications prior to the Village starting the bidding process. Director Osgood would like to have all the necessary documentation in hand soon so that the services to the homes on Brown Street can be connected before winter.

Bob Elliott provided an update on the meeting at the Geneva office of the Department of Health (DOH) regarding THMs (Trihalomethanes). Representatives from the Village and the Village's wholesale water customers attended the meeting to discuss how to address disinfection byproducts. Everyone present was asked to help the situation by flushing their hydrants two or more times each year. DOH Senior Sanitary Engineer, Hyland Hartsough, will come to Penn Yan and meet with these representatives again to emphasize the importance of flushing. Flushing allows the water plant to use less chlorine, which results in lower THMs. Perhaps automatic flushing units could be used in various locations in the village where there are water line dead ends. Director Osgood will research the cost of such units and report to the Board. If the cost is reasonable, perhaps this item could be included in next year's budget.

The Board reviewed the letter from the New York Power Authority (NYPA) regarding firm hydro energy for the month of October. According to the letter, there will be no reduction in firm hydro energy sales to NYPA's hydropower customers for the period of October 1<sup>st</sup> through 31<sup>st</sup>. Secretary Fox was asked not to include the letter stating this information in the MUB agenda packet unless there is some change in the hydro energy sales. This item is, however, still to be listed on the agenda itself.

Assistant Director Bodine presented the results of the transformer bids received last week. The bids were for 6, 15KVA transformers and 4, 250 KVA transformers. The low bidder for the 15 KVA transformers was Power Sales Group (Howard Industries) at a cost of \$738 each and the low bidder for the 250 KVA transformers was Wesco Distribution at a cost of \$4,817 each. All transformers being ordered contain mineral oil rather than the more expensive biodegradable fluid.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to authorize the purchase of 6, 15KVA transformers from Power Sales Group at a cost of \$738 each and the purchase of 4, 250KVA transformers from Wesco Distribution at a cost of \$4,817 each. Carried.

Assistant Director Bodine apprised the Board of a situation at the Birkett mill on Main Street. Assistant Director Bodine reported that the three-phase bank of transformers at Birkett Mills is close to being at capacity. The Municipal electric crew has been called to this customer eleven times during the past two years for service interruptions that seem to be the result of wire overload. The customer informed us that they lose approximately \$1,000 per hour during these power interruptions. Assistant Director Bodine and electric crew chief, Jef Bodine, put a recording meter on the electric service at the Birkett mill, which has verified that they are, indeed, nearing capacity with their current transformers. A conversation will be had in the near future with Jeff Gifford at the mill about replacing the current transformers with 3, 250 KVA transformers to handle their increased electric demands.

Town of Pulteney Supervisor, Bill Weber, received a complaint from Pulteney resident, Denise Smith, about odors in her drinking water and passed this information on to Director Osgood. Director Osgood will write a letter to Mr. Weber with some possible explanations for this. Lake turnover in the fall, a twenty-five percent reduction in flow once the summer season ends, rechlorination at various points of the water distribution system, and/or long laterals from the water main to a residence could all be reasons for odors in the water. In addition, Keuka College stops irrigating its sports fields at the end of the summer, reducing the flow of water in the pipes in Jerusalem Water District #1. When the water plant begins using Chlorine Dioxide, this should help to reduce odor and/or taste problems. The Board agreed it would be a good idea to prepare a press release to explain to the general public that these various items could result in odors in their drinking water.

Two weeks ago, in the Sunday edition of The Finger Lakes Times, an article appeared about wastewater treatment plants in the area. It was reported that the Penn Yan plant had forty-nine effluent violations. WWTP Chief Operator

Ben Sward supplied Director Osgood with a list of the violations and this list was presented to the Board. Tremendous progress has been made since April, 2008 and the plant has only been cited for one violation since then and that was due to a lab error. The violations presented in the newspaper article occurred prior to April, 2008 and resulted in the Village receiving a Consent Order from the DEC in 2006.

Director Osgood presented a proposal from Bob Mathisen of RAM Consulting regarding the PLC project. The original quote for his services during construction of the PLC was for \$11,775. It was originally thought that a few modifications could be made to the existing PLC control logic and the project could move forward. But that hasn't been the case and the project has become more complicated than anticipated. It was decided by all those involved to discard the existing PLC control logic and instead (1) establish the concepts of the water plant operation and PLC/HMI software programming through a series of collaborative meetings, (2) have VSG Enviromation create a text document that summarizes a new control strategy for each process function and (3) have this document reviewed by RAM. Other, additional work will also need to be done. In light of the expanded scope of the project, the testing and commissioning will also be more complicated than originally expected. This new proposal states that RAM expects that it will require an additional \$13,500 in services to complete the PLC project, bringing the estimated total amount paid to RAM to \$25,275. This figure is being presented on a not-to-exceed basis. The Board reviewed this fee estimate update carefully. The target deadline for the completion of the PLC project is now December 14<sup>th</sup>.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to recommend to the Village Board that RAM's proposal requesting an additional \$13,500 for the PLC project be accepted. Carried.

Bob Elliott received a letter from Curt McEntee of VSG Enviromation requesting an extension of their contract regarding the PLC project. Mr. Elliott wrote a letter to Director Osgood recommending approval of the time extension to December 14<sup>th</sup>. This time extension includes no additional costs.

MOTION by Commissioner Banach, seconded by Commissioner Payne to recommend to the Village Board that a contract extension be granted to VSG Enviromation for work on the PLC project. Carried.

Streets Supervisor Rapalee mentioned to the Public Works Committee on October 6<sup>th</sup> that he would like to arrange for Cornell Local Roads Program representatives to provide in-house Work Zone Traffic Control training to all the Village and Municipal crew members. The cost would be \$40 per person and includes breakfast, a light lunch and all course materials. Thirty attendees is the maximum allowed, and once a determination is made as to how many Village and Municipal employees will attend, Streets Supervisor Rapalee will contact the surrounding municipalities to find out if any of their employees would like to attend. The tentative date for this training is Tuesday, November 17<sup>th</sup> and it will be held at the firehouse beginning at 7:00 am.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to authorize Streets Supervisor Rapalee to arrange for Cornell Local Roads Program representatives to provide in-house Work Zone Traffic Control training Tuesday, November 17<sup>th</sup> at the firehouse at a cost of \$40 per person. Carried.

Commissioner Banach mentioned that the Yates County Personnel Department and the County's Risk Management Coordinator will provide safety training in the future. Assistant Director Bodine could coordinate Penn Yan participation in this training.

The Board discussed the Ford Taurus that was driven by former Director of Public Works Ed Balsley and is now being driven by Director Osgood. The Taurus is starting to cost the Village money with maintenance costs and it is not a very comfortable car to drive. It was agreed that it will eventually be sold, but that for now, Director Osgood should continue to drive it. Director Osgood and Assistant Director Bodine are reviewing the current vehicle inventory and our equipment replacement policy to determine if the vehicles we have are the vehicles we need most. The two of them will then make recommendations to the Municipal and Village Boards. At that time, a determination will be made as to what vehicle should replace the Taurus.

Assistant Director Bodine presented the expenses incurred to date by RAM Consulting for the Welker Substation upgrade project. As of October 5<sup>th</sup>, RAM Consulting has been paid \$16,340.90. The total authorized amount for this work was a not-to-exceed figure of \$30,000. Assistant Director Bodine said the project may come in at less than \$30,000.

The Board reviewed a letter Trustee Hoban received at his home from a company called Home Service. The letter urges readers to sign up for water service line coverage for \$4.99 per month or \$59.88 per year. For this fee, the company claims that homeowners can call an Emergency Hotline and a 'specialist technician' will be dispatched to repair or replace the affected pipe(s). The homeowner would have no bill to pay for covered repairs, up to \$3,000 per claim; a homeowner can make up to two claims every year. This was shown to the Board as an F.Y.I. item.

Director Osgood mentioned that there was water on Liberty Street near the P&C driveway. The water/sewer crew is investigating, so he isn't sure at this point if the water is the result of a water main break or a leaking lateral. Work on the E. Elm Street water line has begun and the Lown's parking lot will be done the week of October 19<sup>th</sup>.

It's time for the Village to renew its membership in the National Safety Council. Our current membership expires December 31, 2009. A renewal would last through December 31, 2010. The cost is \$340.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to recommend to the Village Board that we renew our membership in the National Safety Council at a cost of \$340. Carried.

Assistant Director Bodine and electric crew chief, Jef Bodine, are looking into the possibility of purchasing a hybrid bucket truck for the electric department. The Village could take part in a program being offered by the New York Power Authority (NYPA) in which they offer up to \$60,000 to cover the difference in cost between a standard diesel bucket truck and a hybrid bucket truck. In addition, we could finance the truck through NYPA and for zero percent interest over three years. A hard copy of the specifications exists, but need to be entered into the computer. The specifications will be submitted to NYPA and, if we're eligible to take part in the hybrid program, we'll then proceed

and go out for bids. Even if we are eligible for funding and financing through NYPA, we would not be required to purchase the truck this fiscal year. One advantage of a hybrid truck is that they are quiet when they're idling, unlike a standard diesel truck. There are places nearby where one type of hybrid vehicles can be serviced.

Bob Elliott reported that, this past Tuesday, he and WTP Chief Operator Dick LaRock visited the water treatment plant in Bolton Point. That plant is already using Chlorine Dioxide, but they do not plan to use chloramination.

Chairman French and Commissioner Banach plan to attend the Village Board meeting on October 20<sup>th</sup>.

MOTION by Commissioner Payne, seconded by Commissioner Nissen to approve the Payment Agreements in the amount of \$4,675.28. Carried.

Commissioner Banach noticed a few items in the year-to-date expenditures as they relate to the budget approved for this fiscal year. He noticed that the money allocated for conferences and training at the WWTP is nearly all used. They want Ben to be aware of this. The Board members agreed that it would be helpful to see a report of where we are for income – what we've anticipated for income and what we've actually brought in year-to-date.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to adjourn into Executive Session at 12:20 pm to discuss contractual matters. Carried.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to adjourn out of Executive Session at 12:48 pm and return to the regular meeting. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn the meeting at 12:50 pm. Carried.

**The next Municipal Board Meeting will be held Thursday, November 12<sup>th</sup> 9:00 am in the basement meeting room of the Village Office building.**

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Karen M. Fox, Secretary