

MINUTES of the Penn Yan Municipal Board Meeting held November 12, 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 Dick Osgood and Assistant Director of Public Works Brent Bodine

ALSO ATTENDING: Village Trustee Robert Hoban, Electric Crew Chief Jef Bodine, Bob Elliott (Elliott Engineering Solutions) and Carrie Wheeler (Town of Jerusalem)

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

MOTION by Commissioner LeClaire, seconded by Commissioner Nissen to approve the minutes of the Municipal Board meeting held October 15, 2009. Carried.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to recommend to the Village Board that the Municipal bills for the month be paid as follows:

Paid Before Audit:	\$100,723.38	
Capital Paid Before Audit:	\$0	
Electric:	\$ 16,602.94	
Water:	\$128,145.10	
Sewer:	\$ 30,539.30	
Capital Projects:	\$0	
Total Municipal Audit	\$276,010.72	Carried.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to approve an additional item for inclusion in the audit — a payment to the NYS Retirement System for \$95,947.00. Carried.

Village Clerk/Treasurer Wilber mentioned that she will continue working on the new EDUs billing structure and will hopefully have information for the Board for the December meeting. She reported that the auditors presented the financial statements for fiscal year 2008-2009. A determination was made as to how much each wholesale water customer owes the Village or how much the Village owes them for 2008-2009: The Village of Dresden owes the Village \$867.93; the Town of Pulteney owes the Village \$10,665.69; a credit of \$14,507.46 is owed to the Town of Jerusalem; a credit of \$7,536.39 is owed to the Town of Milo; and a credit of \$3,973.18 is owed to the Town of Benton. She will be finalizing these figures with the auditors this week and will then send letters to each of the wholesale water customers. As for sewer: the Town of Jerusalem owes the Village \$87,294 for Sewer District #1 and Milo owes the Village \$27,989.

Director Osgood mentioned that the Finger Lakes DDSO is interested in pursuing annexation of the ARC property on Route 364. Information is with Attorney Ed Brockman for his review. Director Osgood will call Attorney Brockman to determine the status of this issue.

Clerk/Treasurer Wilber has been researching a new accounting software system and will present details during the December MUB meeting. Currently, the Village uses one software system for general ledger work and one for utility billing. The two systems are not compatible and require that information be entered manually, which is extremely inefficient. This new system would be totally integrated and would allow us to switch from the old DOS system to a Windows-based system. Clerk/Treasurer Wilber is currently reviewing two proposals for the new software. Assistant Director Bodine mentioned that, in conjunction with switching over to new software, we need to implement, and budget for, a computer replacement program so that our equipment stays current. The Village recently fired Black Box Computer Consulting and hired SCT Computers on Main Street in Penn Yan to provide computer technical support. Clerk/Treasurer Wilber is hoping to have the new system online for the beginning of the 2010-2011 fiscal year.

Electric Crew Chief Jef Bodine was in attendance to provide the Municipal Board with an update on current electric department projects. Eighty percent of the parts needed for relay upgrade work at the Welker substation are in. This project will require a lot of work; each circuit will be rebuilt one at a time, then commissioned, then put online. This project can be done over the winter, since most of the work will take place inside the substation. A structural survey is being done at the metering station on Flat Street to determine whether or not the existing wood pole structure needs to be replaced with a steel structure. This won't be done unless it is deemed to be necessary. Assistant Director Bodine has specifications for a new, hybrid bucket truck that he will submit to NYPA. Money is available from NYPA as well as 3-year, zero-percent financing program. We wouldn't need to purchase the vehicle this fiscal year; submitting the application simply puts the Village on NYPA's list of those who wish to have funds earmarked for a hybrid vehicle.

MOTION by Commissioner Banach, seconded by Commissioner Payne to pursue participation in the hybrid electric bucket truck program with the New York Power Authority (NYPA) and to apply for the \$50K - \$60K grant for this truck. Carried.

We need to check State bid information to determine if a chassis is available for this truck. It would also be helpful to determine approximate battery replacement costs, since the vehicle's batteries would likely need to be replaced in about eight years.

The electric crew has had to do work at Birkett Mills eleven times during the past two years to address electrical issues. The Birkett plant is using the maximum capacity available from its existing transformer. Assistant Director Bodine estimated that a new transformer bank would cost around \$23,000. This estimate will be sent to Birkett Mills. They would be billed for the cost of materials, but not for labor or equipment.

The MEUA is looking into the possibility of offering an Apprentice Lineworker Program in 2010, if there is enough interest in such a program. They need to meet a minimum class size to launch the program. The Village will not be sending anyone to this program in 2010. Secretary Fox will notify the MEUA about this. Crew Chief Bodine mentioned that, ideally, we should look at hiring a Groundsman in the near future, have him on board for one year, then send him to Apprentice Lineworker training (for two years). It is anticipated that Don King will be retiring in about three years, so this person should be hired soon and be a trained part of the crew before Mr. King retires.

(Crew Chief Bodine left the meeting.)

Assistant Director Bodine reported that he and Code Enforcement Office, Bruce Lyon, are actively working on the revisions to the Village's Electric Heat Code.

Clerk/Treasurer Wilber discussed a Cost of Service study. This study has nothing to do with applying for an electric rate increase; instead, it would determine whether the ratepayers are paying the appropriate rates. It would compare what certain entities (for example the school, hospital and County) pay vs. what private customers are paying. It would also determine how much some of these entities are taxing our electrical distribution system (which is referred to as 'institutional loading'). Such a study would cost around \$50,000. Clerk/Treasurer and Assistant Director Bodine will research this further to find out exactly what we would get for the money.

The question was raised as to whether or not all of our electric customers are paying equal rates in light of the fact that the cost of electric to the Village changes each month. Clerk/Treasurer Wilber believes all of our customers are being billed fairly but will look into the matter. The Village receives its bill for electric around the 20th of each month, so the bills sent out the next month would include the same PPA (purchase power adjustment) for all customers that would reflect the Village's reduced or increased electric costs.

Recreation Director Doyle has submitted an application for a buy-down program for AEDs (Automatic External Defibrillators). Director Doyle is also looking into the cost and time commitment that would be needed for him to become a certified instructor so he could conduct in-house training for employees on First Aid, CPR and AEDs. If Director Doyle wishes to proceed with this, Assistant Director Bodine would develop a job description for the position of In-house Trainer to present to the Personnel Committee.

The letter from the New York Power Authority (NYPA) regarding firm hydro energy for the month of November stated that there will be no reduction in firm hydro energy sales to NYPA's hydropower customers for the period of November 1st through 30th.

The Board reviewed the NYMPA memo regarding the increase in energy rates from 51 mills to 53 mills, effective November 1st. It was necessary for NYMPA to raise the energy rate in order to stabilize its reserves for its 2010 budget.

Director Osgood mentioned that it would make sense to hire a contractor to do direct bore work at several locations in the Village while he has the equipment here, rather than having him return to Penn Yan several times to work at various locations. This will save money on mobilization fees. The Municipal crew would do the excavation and backfill work and restore the area and the contractor would do the bore work and lay the pipe.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to authorize Elliott Engineering Solutions to prepare a bid package for a contractor to do direct bore work for new water and sewer lines on E. Elm Street, Seneca Street, Clinton Street and Sheppard and a new water line on North Avenue. Carried.

Director Osgood reminded the Board that a new sewer line has been installed on Keuka Street and that the old, 4" water line is in need of replacement. He asked the Board to authorize moving forward with the design of this water line, which would run from Chapel Street to Court Street.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to proceed with engineering design for a new water line on Keuka Street from Chapel Street to Court Street. Carried.

Survey work is currently being done on Keuka Street by Rick Willson. Mr. Willson has been given until December 1st to complete the survey; if it is not completed by that date, another surveyor will be asked to complete the job and Mr. Willson will be paid for the time he has spent on this survey work.

Work is progressing on the PLC project at the water plant. The Board reviewed Change Order #2 from VSG Enviromation for \$13,079.10 for electrical modifications necessary for the PLC to operate properly.

MOTION by Commissioner Nissen, seconded by Commissioner LeClaire to approve Change Order #2 from VSG Enviromation for electrical modifications to the PLC for a total of \$13,079.10. Carried.

Director Osgood said that three companies have been invited to provide a quote for converting the community room in the Village Office basement into Municipal Court, which will be relocated from its current Maxwell Building location. Once court is situated in the basement, the Municipal Board could probably meet in the large, empty room on the second floor.

A study was done recently to determine the feasibility of installing solar panels at various locations in the village. Perhaps property owned by the FLEDC (formerly the Yates IDA) at Horizon Park could be used as a site for a ground installation of solar panels. Assistant Director Bodine is looking into this possibility, which would involve approximately two acres at Horizon Park. The benefits of having solar panels installed on the ground vs. on

rooftops would be: (1) there would only be one solar panel installation to keep track of and (2) the energy produced from ground installations goes right into the electrical distribution system rather than being used by the customer who owns the roof where it is installed. Such an installation would allow us to enter into a 20-year agreement with NYPA through which we would buy power at a specific price for the next twenty years. This would reduce the amount of surplus power we would need to purchase. Commissioner Banach asked the Board's opinion regarding leasing the land at Horizon Park or purchasing it. The County currently owns it and has it listed for sale. Assistant Director Bodine was asked to continue to research the options and make a recommendation.

There is a meeting being held November 20th in Campbell, NY to discuss Marcellus Shale Gas Drilling and Hydrofrac Water Supply & Treatment. Director Osgood and Assistant Director Bodine would like to attend.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to authorize the attendance of two (2) employees at the NYWEA Marcellus Shale Gas Drilling meeting on November 20th in Campbell, NY at a cost of \$30 per person. Carried.

(Former Director of Public Works Ed Balsley joined the meeting.)

The FLWWC Winter Meeting is being held December 3rd in Waterloo, NY.

MOTION by Commissioner Banach, seconded by Commissioner Nissen to authorize the attendance of up to four (4) employees at the FLWWC Winter Meeting on December 3rd in Waterloo, NY at a cost of \$22 per person.

Carried.

Bob Elliott talked about the Marcellus Shale gas deposits, saying that approximately 500 trillion cubic feet of natural gas are in the deposit, which is estimated to be 50 feet deep in some places and 200 feet deep in others. This is generating a lot of interest from communities located in New York's Southern Tier. Drilling efforts will result in the production of twenty to thirty million gallons of wastewater per day. Any municipality that wants to accept this waste will need to have a pre-treatment program in place and a headworks analysis would need to be done so our plant would not be in violation of its SPDES permit. Approximately five million gallons of water are used to establish one gas drilling well. There is a possibility that effluent from wastewater treatment plants could be used, since the water being put into the earth for drilling doesn't need to be clean, treated water. More than three hundred applications have been filed with the DEC for surface water and withdrawal permits.

Bob Elliott is working with the DEC to secure approval to begin a chlorine dioxide program at the water treatment plant. The Department of Health wants us to do a pilot testing of the program to determine if this will reduce our disinfection byproducts.

Director Osgood provided an update on the Brown Street water line project. A Notice to Bidders will appear in next week's Chronicle Express and the bids will be due December 2nd.

Bob Elliott will be visiting CASP this afternoon. CASP is currently two months behind on paying their surcharge bills and another bill was just mailed.

The Board reviewed a press release prepared by Board Secretary Karen Fox regarding possible causes for drinking water odor or taste. It was approved by the Board and Secretary Fox will send this to the Chronicle Express and other area newspapers.

MOTION by Commissioner LeClaire, seconded by Commissioner Nissen to approve the Payment Agreements in the amount of \$4,570.47. Carried.

Chairman French plans to attend the Village Board meeting on October 20th.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to adjourn into Executive Session at 12:18 pm to discuss contractual matters. Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn out of Executive Session at 12:47 pm and return to the regular meeting. Carried.

The Board presented former Director of Public Works Ed Balsley with a retirement gift – a lamp with an electric meter as its base. The inscription on the brass plate reads: "Presented to Edward J. Balsley in recognition of 14 years of dedicated service." Former Director Balsley thanked the Board and stated that he enjoyed working for the Village of Penn Yan.

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to request authorization from the Village Board to begin the process to discontinue sanitary sewer services to the Town of Jerusalem Sewer District #2.

Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn the meeting at 12:48 pm. Carried.

The next Municipal Board Meeting will be held Thursday, December 10th at 9:00 am in the large, corner meeting room on the second floor of the Village Office building.