

MINUTES of the Penn Yan Municipal Board Meeting held December 10, 2009 in the Basement Meeting Room of the Village Hall, 111 Elm Street, Penn Yan.

ATTENDEES: Chairman Rom French, Commissioners 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: Ben Sward, WWTP Chief Operator, Bob Elliott (Elliott Engineering Solutions) and Carrie Wheeler (Town of Jerusalem)

ABSENT: Commissioner Bruce LeClaire

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

MOTION by Commissioner Payne, seconded by Commissioner Banach to approve the minutes of the Municipal Board meeting held November 12, 2009 with four corrections:

- the date of the minutes should have been November 12, 2009 not October 15, 2009
- the chlorine dioxide program is being done at the water treatment plant, not the wastewater treatment plant
- Rom French said he would attend the November Village Board meeting, which was held November 17th
- this December meeting is being held in the second floor (corner) meeting room, not in the basement

Carried.

The Board discussed a letter recently received from Don Jensen (owner of 130 Main Street). Was the transformer behind his building placed in accordance with existing codes? Yes. Assistant Director Bodine discussed this issue with Code Enforcement Office Bruce Lyon and Mr. Lyon stated that the location of the transformer was fine. The Board agreed that a letter should be sent to Mr. Jensen confirming that the placement of the transformer does not violate any existing codes. Director Osgood will first discuss this with Village Attorney Brockman.

MOTION by Commissioner Nissen, seconded by Commissioner Payne 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

Electric: \$ 52,000.65

Water: \$ 55,684.67

Sewer: \$ 63,820.31

Capital Projects: \$0

Total Municipal Audit \$171,505.63

Carried.

Wastewater Treatment Plant (WWTP) Chief Operator, Ben Sward, was in attendance to provide the Municipal Board with an update on WWTP projects. There are a number of items that will be needed at the plant in the coming years, but financing these items will be a challenge. The bar screen has been a great improvement at the plant. One ongoing concern is getting rid of sludge. The Village spends approximately \$57,000 each year for sludge removal, which includes the transport of the sludge and landfill fees. The Board agreed that a belt press needs to be purchased. Bob Elliott mentioned that belt presses have been manufactured for nearly thirty-five years and the life expectancy of this piece of equipment is estimated to be twenty to fifty years. Upkeep is relatively simple; bearings will need to be replaced as well as the main belt, but that would be about it. The cost of a belt press and the building to house it would be around \$500,000. Village Clerk/Treasurer asked that numbers be provided so she can plan ahead. We need to consider what is needed most at the plant in the coming years and financially plan for such purchases. A committee is going to meet to discuss WWTP needs. This committee includes: Director Osgood, Assistant Director Bodine, WWTP Chief Operator Ben Sward, Bob Elliott and Commissioners Banach and Payne. Sludge dewatering (belt press), a grit removal system, a mixer for the digester and RBC replacement are all major issues. A new line directly from the septage receiving building to the digester is being installed by the water/sewer crew. This should help eliminate odor problems, lessen the strain on the RBCs, result in less sludge and produce more gas to heat the digesters. Once authorized by the Board, the plans and/or drawings of such upgrades at the plant are sent to the DEC for their records and approval.

Commissioner Nissen has attended several Foremen's Meetings and stated that he is impressed with the quality of the Village employees who attend those. He is also pleased that Assistant Director Bodine has taken the initiative to bring the topic of safety to the forefront during those meetings.

While we don't wish to receive and treat the waste products that will be produced as a result of drilling for natural gas in the Marcellus Shale deposits, it is not clear whether or not eminent domain may force us to process that waste at our wastewater treatment plant. In order to protect our infrastructure, we will need to develop a permit system for the heavy drilling equipment that will travel on our roads. Would it be in our interest to sell water to the drilling companies? This will need to be discussed.

(Ben Sward left the meeting at 10:15 am.)

MOTION by Commissioner Banach, seconded by Commissioner Nissen to adjourn into Executive Session at 10:06 am to discuss contractual matters.

Carried.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn out of Executive Session at 11:03 am and return to the regular meeting. Carried.

A meeting of the EDUs committee will be held Tuesday, December 29th at 9:00 am in the second floor (corner) meeting room. Attendees will be: Assistant Director Bodine, Clerk/Treasurer Wilber, Village Trustee Hoban, Bob Elliott, Jim Mueller, MUB Chairman French and Commissioners Banach, LeClaire, Nissen and Payne.

Clerk/Treasurer Wilber reported that demos are being done on two software programs. The two quotes are similar.

Director Osgood provided an update on the Brown Street water main. Bids for construction of the water line are due next Wednesday, December 16th. Charlie Phillion is currently reviewing the Village's procurement policy. The Village Board will need to adopt the amended procurement policy.

Phase I of the E. Elm Street water line is nearly complete. The water sewer crew is waiting for a tee; once installed, the main can be pressure tested.

Assistant Director Bodine reported that work at the Welker Substation is progressing and that seventy-five percent of the power distribution system has been completed. Several of the MUB Commissioners are interested in doing a walk through at the substation; this will take place at 2:00 pm this afternoon.

We applied for, and have found out that we will receive, a \$50K - \$60K grant for a hybrid bucket truck from the New York Power Authority (NYPA). Assistant Director Bodine reported that an International chassis is available for this truck at a cost of \$114,787.80.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to recommend to the Village Board that an International chassis be purchased for \$114,787.80; this chassis will be used for the hybrid bucket truck.

Carried.

Assistant Director Bodine reported that he and Code Enforcement Office, Bruce Lyon, are continuing work on revisions to the Village's Electric Heat Code. This new, more restrictive code will need to be included when the booklet titled "Requirements for the Installation of Electric Services & Meters and Specifications for Electric Installations" is updated.

Recreation Director Doyle has submitted an application for a buy-down program for AEDs (Automatic External Defibrillators) and expects to hear the results next week. He is currently taking CPR and AED training.

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

On November 19th, Attorney Brockman wrote a letter to M.P. Mize regarding the water/sewer bill in excess of \$2,000. This relates to usage caused by a water pipe break at 135 Linden Street last winter. In the letter, Brockman stated: "Water/sewer charges resulting therefrom are not forgiven" and "It would be unfair to other water/sewer customers who have not had such charges forgiven, to now forgive or even reduce your bill." He added that, if making the payment all at once is a burden, they may arrange a payment agreement with the Municipal office. The letter further states: "In the absence of such an agreement within the next sixty (60) days, these charges will be added to your property tax bill". Bob Anderson of B.A. Builders submitted a letter stating that frozen pipes had burst in the Mize basement and that the resulting water drained through the dirt floor, not into the sewer. The Board does not feel that this information has any bearing on the situation and that the Mizes need to pay the water/sewer bill. Secretary Fox will write a letter to Mr. Anderson stating that we are dealing with the Mizes directly regarding this issue and, while we appreciate his letter, the information really does not have any bearing on the situation.

Recent water samples that were sent to Midlakes Lab, our testing agency, all failed bacteriological tests. Was it lab error? We will be getting a letter from the Department of Health stating that we need to notify our water customers about this. When additional water samples were taken and sent to Waterloo for testing, the results were fine. We will change our testing agency from Mid States Lab to Life Science Lab.

Director Osgood talked about applying for grant money for several infrastructure projects. Because of a mistake that was made and kept us from receiving funding for Brown Street, Barbara Johnston of Stuart Brown Associates will prepare one grant application for the Village at no charge. However, we would need to get more income survey information so we can prove that we are serving low-income residents. We would also need to prove the need for the infrastructure improvements. We could prove a need for sewer on Sheppard Street, since we had one manhole cover pop due to high flows. We could prove the need for water main improvements by sending in a copy of our water main breaks map. Sewer lines on Keuka Street and Seneca Street are needed. We could review the sewer tapes and prove those sanitary sewer lines are in bad shape. In the past, it has been difficult to get responses to the income survey, especially on Seneca Street; there was a slightly better response on Sheppard Street. We need to advertise and get the word out that this is important and explain why we need this information. Remind people that it works – we got money for Brown Street in part because we had enough income survey information.

Director Osgood was approached by Bob Mathisen of RAM Consulting about the possibility of RAM developing a user-friendly operating manual for the PLC at the water treatment plant for around \$3,000. Let's first see what sort of manual we receive from the PLC contractor and then decide.

Assistant Director Bodine received a report from NYPA regarding a solar initiative. This info will be part of the request for proposals NYPA will release later this month. Penn Yan (specifically, Horizon Park) will potentially be one of the sites chosen for this initiative. He distributed a spreadsheet he created detailing the amount of

supplemental power Penn Yan purchased from June, 2007 through October, 2009. If this solar array could be built at Horizon Park, it could help reduce our need to purchase supplemental power. We could potentially realize a monthly reduction of 59,000 kW hours in supplemental usage. The power generated by the solar field would go to the grid. We'll need to do some negotiating to find out if there would be a way for us to collect money for this. Such an installation would allow us to enter into a 20-year PPA (Purchased Power Agreement) with NYPA through which we would buy power at a specific price for the next twenty years. This would reduce the amount of supplemental power we would need to purchase.

Assistant Director Bodine reviewed a draft of the equipment replacement matrix he and Director Osgood have been developing. All the foremen received a copy of the spreadsheet and have been asked to comment by December 18th.

The Board looked at several pamphlets from the Water Environment Federation. They are meant to provide water and sewer customers with information about what not to flush down the toilet and how to keep grease out of their drains. Secretary Fox will check on the price of the pamphlets.

The Board reviewed a memo from NYMPA regarding a CMP (Congestion Mitigation Program) account update. According to the memo, the CMP account as of October 31st had a balance of \$1,031,950. This balance, along with the TCC's (Transmission Congestion Charges) purchased for the upcoming year, should serve NYMPA members well in dealing with congestion charges.

Bob Elliott reported that he has updated the CASP permit and made minor modifications. This new version includes more realistic compliance dates for CASP to adhere to.

In keeping with a request from the Department of Health, a pilot program will be done when we are ready to begin the chlorine dioxide program at the water treatment plant.

It was agreed that the Municipal Board meetings are too long. Perhaps some of the larger discussion items could be handled at the committee level and an update then given to the Board.

The board discussed the construction work that will be done on the Liberty Street bridge. Director Osgood reported that the bid letting date is scheduled for June, 2011 and that construction will begin that fall. He has not found out whether the bridge will be entirely closed to traffic or if the construction will be done in phases. Several issues for Penn Yan Municipal include: (1) installing a new water main across the bridge in an area that is accessible in case of a main break; (2) the installation of electrical conduits on the bridge; (3) a sidewalk that will be wide enough so equipment can be used to clean it and clear snow; and (4) the possible replacement of the sewer line from Water Street, across Liberty Street, to the first manhole on Keuka Street while the area is closed to traffic.

The Board discussed the idea of perhaps offering comp time for those employees who want to take the training to become firefighters. This may help to increase the number of firefighters who can respond to calls. This will be discussed during the next Public Safety Committee meeting.

MOTION by Commissioner Nissen, seconded by Commissioner Payne to approve the Payment Agreements in the amount of \$3,381.81. Carried.

Commissioners Banach and Nissen plan to attend the Village Board meeting on December 15th.

MOTION by Commissioner Payne, seconded by Commissioner Banach to adjourn the meeting at 12:27 pm.

The next Municipal Board Meeting will be held Thursday, January 14th at 9:00 am in the corner meeting room on the second floor of the Village Office building.

Karen M. Fox, Secretary