

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

ATTENDEES: Chairman Rom French, Commissioners Dan Banach, Bruce LeClaire, Leigh Mackerchar and Dave Payne and Director of Public Works Brent Bodine

ALSO ATTENDING: Mayor Bob Church, Water/Sewer Maintenance Supervisor Ron Keech, Village Engineer Bob Elliott, Keuka Park Water/Sewer Clerk Carrie Wheeler and resident Brad Smith

ABSENT: Village Trustee Willie Allison, Village Clerk-Treasurer Shawna Wilber and Assistant Director of Public Works Bill Jensen

Chairman French called the meeting to order at 8:34 am.

### **APPROVAL OF MINUTES**

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to approve the minutes of the November 15, 2012 MUB meeting minutes with no corrections. MOTION CARRIED.

### **PUBLIC REQUESTS AND COMMENTS**

Resident Brad Smith addressed the Board. The Board read a letter from Mr. Smith stating: I have experienced a very high water bill at 330 Main Street due to a leak in a hot water tank for apartment #3 at that location. Looking into this matter, I determined my hot water tank had been leaking onto my basement floor, which is dirt, for approximately one month. The purpose of my letter is not to ask for forgiveness of water usage. I am asking for your consideration in regards to the sewer bill because this water did not go into the sewer or any drain, only onto my dirt floor in my basement. I am also asking to pay the remaining bill in full in two payments.” The Board told Mr. Smith that they will discuss the matter and will let him know their decision. They also told him that he could set up a payment agreement, if he wished.

(Mr. Smith left the meeting at 8:47 am.)

The Board agreed that the water that leaked out of the hot water tank did not enter the sanitary sewer; therefore:

MOTION by Commissioner Banach, seconded by Commissioner Payne to forgive a portion of the water and sewer bill of Brad Smith of 330 Main Street in the amount of \$252. MOTION CARRIED.

### **CALL FOR EXECUTIVE SESSION**

There is no need to hold an Executive Session at the end of today’s meeting.

### **MUNICIPAL EMPLOYEE**

Ron Keech was in attendance. Work to install a new water line on Keuka and Water Streets has been completed. Director Bodine received an Approval of Completed Works from the Department of Health for that project and as-built drawings for the project are being done by Elliott Engineering Solutions and the contractor, Seaway Earth and Pipe. Water/Sewer Maintenance Supervisor Keech stated that the septic tank at the Cemetery house was pumped out and that a new septic holding tank was installed at the Little League field on Elm Street and a pump will be installed to pump the waste to the sanitary sewer line on Elm Street. Also, all materials have been received so that installation on a new septic system at 40 Champlin Avenue can be installed.

(Water/Sewer Maintenance Supervisor Keech left the meeting at 9:23 am.)

**AUDIT**

MOTION by Commissioner Banach, 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	\$259,516.30
Water Fund	\$107,913.80
<u>Sewer Fund</u>	<u>\$ 81,351.46</u>
Total Municipal Audit	\$448,781.56
(plus)	
Facade Program	\$ 0
<u>General Fund</u>	<u>\$341,017.00</u>
Total Village Audit	\$789,798.56

MOTION CARRIED.

**TREASURER’S REPORT**

No report.

**ELECTRIC**

NYPA Firm Hydro Energy for December – NYPA’s memo indicates that there will be no reduction in firm hydro energy sales for the period of December 1<sup>st</sup> through December 31<sup>st</sup>.

Director Bodine received an e-mail from Bill Freitag of Bollam, Sheedy, Torani and Company stating: “I am in the process of finalizing the Electric Rate Study and expect to issue you a draft by Friday, December 14<sup>th</sup>.” Information from Director Bodine will be forwarded to Mr. Freitag so he can prepare a cover letter to the PSC (Public Service Commission). It was agreed that both MUB Chairman French and Mayor Church should sign the letter to the PSC.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to recommend to the Village Board that Mayor Church and Rom French sign the cover letter to the Public Service Commissioner to accompany the Electric Rate Study done by Bill Freitag of Bollam, Sheedy, Torani and Company.

MOTION

CARRIED.

Mayor Church asked Director Bodine to review the budgets. After reviewing line item charges for the past six months, Director Bodine recommends some minor transfers within funds. Former Village Clerk-Treasurer Mark Socola is assisting the Village during Clerk-Treasurer Wilber’s absence and recommended that we secure approval via Resolution from the Village Board before executing the intra-fund transfers. Approval for the transfers will be sought during the December 18<sup>th</sup> Village Board meeting.

Commissioners Banach and Mackerchar asked Director Bodine to provide a copy of the ‘Budget and Transaction’ report for the MUB meetings.

Director Bodine asked the Board if they felt that a one-month spending freeze would be appropriate. The Board didn’t feel it was necessary since the department heads do a very good job staying within their budgets.

Director Bodine asked for authorization to go out for bids for one (1) 500 KVA padmount transformer. This would replace the one currently in stock, which is going to be used for the Water Street warehouse project.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to authorize going out for bids for one (1) 500 KVA padmount transformer.

MOTION CARRIED.

Lineworker Safety and Training will take place again in Bath throughout 2013.

MOTION by Commissioner LeClaire, seconded by Commissioner Mackerchar to authorize the electric crew to attend Lineworker Safety and Training in Bath, NY in 2013 at a cost of \$1,860 per person.

MOTION

CARRIED.

Lineworker Apprentice Adam Folts is due to begin his second year Lineworker Apprentice Program during 2013 in Fairport, NY.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to authorize the attendance of Adam Folts at the 2<sup>nd</sup> Year Lineworker Apprentice Program in Fairport, NY in 2013 at a cost of \$3,450.

MOTION CARRIED.

### **WATER/SEWER**

Director Bodine reported that we are continuing to conduct I&I (Inflow and Infiltration) inspections at village residences and businesses. To date, 78.4% of total sewer accounts have had an I&I inspection. Director Bodine anticipates that the remaining I&I inspections will be completed by June 1, 2013. Director Bodine and Village Engineer Bob Elliott will discuss ways of addressing the remaining I&I issues so we can set aside money in the budget to address these issues.

The Board discussed the amount to charge for conducting property transfer I&I inspections. Other communities charge either fifty or a hundred dollars. It was agreed that fifty dollars would be appropriate, since it would cover the cost of sending one of our employees to do the inspection.

MOTION by Commissioner Mackerchar, seconded by Commissioner Payne to recommend to the Village Board that \$50 be charged to conduct I&I (Inflow and Infiltration) inspections upon property transfers and that the Local Law be changed to reflect this fee.

MOTION CARRIED.

Recently, Clerk Christine Mickelsen discovered that the meter at the Medical Arts Building was changed from a 2" meter to a 5/8" meter years ago but that the meter charge was never adjusted and the EDUs had not been adjusted accordingly. The statute of limitations allows us to go back six years, to November of 2006. According to Director Bodine's calculations, the Medical Arts Building is entitled to a credit (on the fixed usage cost) of \$5,656.32.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to credit the Medical Arts Building \$5,656.32 on fixed usage cost since a reduction in meter size was not acknowledged and EDUs not adjust accordingly.

MOTION CARRIED.

Director Bodine received an e-mail from Village Attorney Ed Brockman with his determination regarding the request from St. Mark's Terrace that their EDU designation be changed to 'institutional'. In Attorney Brockman's e-mail, he states his legal opinion: "After reviewing the documentation provided, it appears that St. Mark's should be classified as 'institutional'. This classification is based upon the various types of services provided to the residents. Pursuant to the applicable regulations, such services result in the 'institutional' classification." Director Bodine calculated that the adjustment in billing should result in a credit of \$2,816.24 for water and a credit of \$3,030 for sewer.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to credit \$2,816.24 for water and \$3,030.00 for sewer to St. Mark's Terrace since it is Attorney Brockman's legal opinion that St. Mark's should have been classified as 'institutional' under the EDU program. These figures reflect an adjustment in billing per St. Mark's request on August 14, 2012 to have their EDU designation changed.

MOTION

CARRIED.

Village Clerk-Treasurer Wilber requested a quote from Harris Beach to serve as bond counsel for the sewer portion of the waterfront development project.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to recommend to the Village Board that Harris Beach be hired as bond counsel for the waterfront sewer project per their proposal dated November 27, 2012 and that the contract received from Harris Beach be executed.

Commissioner Banach	nay	Commissioner LeClaire	aye
Commissioner Payne	aye	Chairman French	aye
Commissioner Mackerchar	aye		

MOTION CARRIED.

Commissioner Banach stated that he could not vote ‘aye’ for the Motion because the Village had difficulties in the past working with Harris Beach.

The Hardship Application has been completed and deemed to be accurate by Diana Speers of Municipal Solutions. Director Bodine will submit the application to EFC (Environmental Facility Corporation) this week.

#### **WATER TREATMENT PLANT**

Sheryl Robbins of the NYS Department of Health was at the water plant on November 29<sup>th</sup> to conduct the yearly inspection and the plant received high marks. Ms. Robbins had a few concerns with the Backflow Prevention Device inspection program. Assistant Director Jensen and Secretary Fox will provide Ms. Robbins with inspection reports that she does not have and expand the existing inspection spreadsheet to track exactly how many devices are at the various locations, their size and serial numbers. Ms. Robbins commented in her letter regarding her inspection findings that, “the Penn Yan Village Hall, La Trattoria and the Yates County Building devices have not been tested since 2009.” That statement is inaccurate, since we have inspection reports on file for 2010, 2011 and 2012. That paperwork will be forwarded to Ms. Robbins.

#### **WASTEWATER TREATMENT PLANT**

A meeting with the wholesale water customers is scheduled for February 5<sup>th</sup> at the Water Treatment Plant. The Board members suggested that it would be a good idea to also have a meeting with Town of Jerusalem and Town of Milo representatives regarding sewer. Secretary Fox will set up such a meeting for January or February. This meeting will be held at the Wastewater Treatment Plant.

Mayor Church stated that the Village began collecting money June 1<sup>st</sup> of this year from the Town of Jerusalem and the Town of Milo for their share of the \$4 million interest-free EFC loan for WWTP improvements. However, we’ll actually be paying back closer to \$3.1 million rather than \$4 million. The Mayor recommended that the payments from the Towns be adjusted to reflect this fact and the Board agreed that this would be fair.

MOTION by Commissioner Payne, seconded by Commissioner LeClaire to recommend to the Village Board that the amount of money collected from the Town of Jerusalem and the Town of Milo for the EFC interest-free loan for WWTP improvements be based on \$3.1 million rather than \$4 million.

MOTION CARRIED.

#### **OTHER BUSINESS**

No items were discussed.

#### **VILLAGE ENGINEER’S REPORT**

Village Engineer Elliott reported that CASP was asked not to send the WWTP high strength waste for a week or so. Three loads of such waste was received from CASP in one day and the plant had difficulty burning the digester gases.

#### **VILLAGE BOARD MEETING**

Chairman French and Commissioner Banach plan to attend the Village Board Meeting on December 18<sup>th</sup>.

**PAYMENT AGREEMENTS**

MOTION by Commissioner LeClaire, seconded by Commissioner Mackerchar to approve the Payment Agreements in the amount of \$16,944.57. MOTION CARRIED.

**SERVICE REQUESTS**

No comments.

**ADJOURNMENT**

MOTION by Commissioner Banach, seconded by Commissioner Payne to adjourn the meeting at 10:40 am. MOTION CARRIED.

**NEXT MEETING**

**The next Municipal Board Meeting will be held Thursday, January 10, 2013 at 8:30 am in the MUB meeting room on the second floor of the Village Office building.**

*Karen M. Fox, Secretary*