

MINUTES of the Penn Yan Municipal Utilities Board Meeting held June 12, 2014 in the MUB Meeting Room of the Village Hall, 111 Elm Street, Penn Yan, NY.

Attendees: Chairman Rom French, Commissioners Dan Banach, Bruce LeClaire, David Payne and Ray Hamilton, Village Trustee Willie Allison, Clerk-Treasurer Gary Meeks, Director of Public Works Brent Bodine and Assistant Director of Public Works Bill Jensen

Also Attending: Village Engineer Bob Elliott, Mayor Leigh MacKerchar, WWTP Chief Operator Bengt Sward, Keuka Park Water/Sewer Clerk Carrie Wheeler and Village Attorney Ed Brockman

Chairman French called the meeting to order at 8:32 am.

Review/Approval of the 5/15/14 Meeting Minutes

According to NYCOM minute meeting standards, auditors prefer to have included in the minutes that the Board minutes were reviewed and approved, but that a MOTION isn't necessary. The May 15, 2014 MUB minutes were approved as written.

Public Requests and Comments

None at this time.

Village Attorney Brockman

Reimbursement for Flood-Related Work

The Board reviewed two requests for reimbursement for work that residents did on their own for flood remediation. The information was shared with Attorney Brockman and a determination sought as to whether or not the Village should reimburse the residents at 128 Walnut Street and 215 Florence Avenue. Attorney Brockman said that, in his opinion, these residents should not be reimbursed as it would set a precedent that we do not want to set. He will discuss his position with the Village Board during its meeting June 17th to determine if they concur.

Notification to Landlords if Tenants Enter Into Payment Agreements

During the April 10th MUB meeting, village resident Bruce Lyon asked to address the Board regarding its policy with regard to Payment Agreements as it relates to tenants and landlords. Mr. Lyon will have \$121.90 added to his taxes because of the final, unpaid water bill of one of his tenant at 104 Benham Street. Unbeknownst to Mr. Lyon, water was shut off to this tenant several times. She repeatedly entered into payment agreements (which she honored) with the Municipal Office so that the water would be turned back on. She has since left Penn Yan and Mr. Lyon is now responsible for her final, unpaid water bill. He feels that, if the landlord will ultimately be the one held responsible if tenants don't pay their utility bills, the landlord should be notified whenever payment agreements are made. The Board agreed that this matter should be referred to Village Attorney Brockman for his input. Today, Attorney Brockman stated that the Village Code allows for water service to be in the tenant's name and that there is nothing in the Code regarding notifying landlords if one of their tenants enters into a payment agreement. Attorney Brockman does not believe the Village should have the burden of notifying landlords of such arrangements; landlords can call or come into the office at any time to check on the status of their tenants' accounts. He feels landlords should take the initiative to be informed of what their tenants are doing. He said that the Code could be changed so that utilities need to be in the landlord's name and that the landlord then collects payment from the tenants. The burden would be on the landlord to determine the billing process because usage fluctuates each month. But utilities could be included in the rent based on average usage. Attorney Brockman said he will work on a memo to the Village Trustees for their review in July with a proposal regarding this.

Municipal Employee - Ben Sward

WWTP Chief Operator Sward reported that, as long as the primary digester is offline for the improvement project, we need to haul all of the sludge that comes to the plant from septage haulers because there is currently no way to treat it. It could be another four to six weeks until the digester is up and running again. Chief Operator Sward expressed concern about the replacement of the roof of the RBC building. He said he's disappointed that there was really no discussion held to discuss roofing options. He said that the roof panels have cracks and rusty brackets and is concerned about safety. Do the panels meet safety standards? He worries that the cracked roof panels pose a safety risk to those working underneath them. Village Engineer Elliott assured Chief Operator Sward that each of the panels will be inspected before being put into place and that there is a provision in the bid specification for the replacement of panels deemed unsuitable. He said that, if it's deemed that the panel does

not have integrity, it will be replaced. Elliott Engineering Solutions is responsible for making sure that work at the WWTP is done to specification. Director Bodine and Assistant Director Jensen said they both concur with the way the roof work is being done. Chief Operator Sward stated that he would have preferred some serious discussion of other roofing options.

Chief Operator Sward mentioned that Mike Naylor will not be returning to work for a while longer since he had some complications following knee replacement surgery.

Executive Session Needed?

MOTION by Commissioner Banach, seconded by Commissioner LeClaire to hold an Executive Session at the end of the meeting to discuss the work history of an employee.
MOTION CARRIED.

Audit

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

Paid Before Audit:	
General	\$31,641.38
Electric	\$14,931.27
Sewer	\$11,876.33
Water	\$10,938.27
CRC	\$505.00
Total Paid Before Audit	\$69,892.25
 Current Audit:	
General	\$221,888.31
Community Development - CRC	\$0.00
Electric	\$94,286.22
Sewer	\$1,268,093.54
Water	\$61,857.33
Capital Projects	\$0.00
Total Current Audit	\$1,646,125.40
 TOTAL AUDIT	 <u>\$1,716,017.65</u>

MOTION
CARRIED.

Treasurer's Report

In the report presented to the MUB, Clerk-Treasurer Meeks tried to include as many revenue and expense entries for the 2013-2014 fiscal year that he possibly could, but the report does not include year-end adjustments that still need to be entered. He anticipates that the electric fund should be in a break-even position with regard to revenue and expenses by the time the year-end adjustments are calculated. With regard to sewer, the fund should be in a slightly positive position when the final adjustments are made. The water fund should also see a slight surplus.

Electric

NYPA Firm Hydro Energy for June - No Reduction

Silgan Plastics - Power Factor Correction

Eric Imhoff of Silgan Plastics contacted Director Bodine to say that he would prefer that the Village, rather than Silgan work to correct the plant's power factor. Overall, it will be more cost-effective for us to do it rather than Silgan. Director Bodine has asked for a quote from HMT, Inc. to provide the engineering for this project. (Money is available in the electric budget for the engineering work and the Village will be reimbursed by Silgan Plastics.)

Water/Sewer

Recap - Wholesale Water Customers Meeting June 3rd

It was agreed by the MUB members that the meeting went well and that such meetings should continue to be held so the lines of communication between the municipalities remain

open.

Authorization to Go Out for Bids for Video Inspections of Siphons

The two siphons underneath the Outlet should to be inspected via video to determine their condition, considering that they handled very large volumes of water during the recent flooding event. The cost to do the inspection is built into this fiscal year's budget.

MOTION by Commissioner Payne, seconded by Commissioner Banach to authorize going out for bids for video inspections of two (2) sanitary sewer siphons underneath the Keuka Lake Outlet.

MOTION CARRIED.

Water Treatment Plant

An inspection will be done of the end of the intake line to determine how many zebra mussels are attached to the screen.

Wastewater Treatment Plant

NYRWA 'Pump Mechanics' Training - June 26th - Cortland, NY (\$26/pp)

MOTION by Commissioner Hamilton, seconded by Commissioner Payne to authorize the attendance of one (1) employee at the NYRWA Pump Mechanics Training being held June 26th in Cortland, NY at a cost of \$26.

MOTION CARRIED.

NYRWA 'Filtration Technologies' Training - July 10th - Batavia, NY (\$34/pp)

MOTION by Commissioner Hamilton, seconded by Commissioner Payne to authorize the attendance of one (1) employee at the NYRWA Filtration Technologies Training being held July 10th in Batavia, NY at a cost of \$34.

MOTION CARRIED.

Flood Recovery

Chairman French complimented all of the Village and Municipal crews for their hard work and professionalism during the flooding that took place May 13th and their recovery efforts to date.

He added that the cooperation between the Village, the State, other municipalities and various

agencies was commendable. He was impressed with the fact that a plan to deal with the emergency

and the subsequent recovery came together quickly in what could have been a very confusing and overwhelming time. Director Bodine mentioned that a post-event meeting will be held to compare notes on what worked well, what didn't work, and how we can update our Emergency Response

Plan to be even better prepared for a similar event in the future.

Other

No other topics were discussed.

Payment Agreements

The amount of payment agreements is high because of very high electric bills from February and March of this year.

MOTION by Commissioner LeClaire, seconded by Commissioner Banach to accept the Payment Agreements in the amount of \$30,332.35.

MOTION CARRIED.

Village Engineer's Report

CWSRF Project Update

The project is moving along quickly. It was determined that the cover on the primary digester is in excellent shape and should last for another twenty years or so. Village Engineer Elliott was asked to have the main contractor, Blue Heron, expedite getting the digester back online to cut down on the need for so much sludge hauling. The MUB members expressed an interest in going to the plant to see the improvements done so far. Assistant Director Jensen will schedule a time to take them through the plant at the end of this month. Village Engineer Elliott estimated that the entire WWTP improvement project should be completed in September or October.

Status of EES Municipal Projects

Water Main Replacement on Lake Street and Hicks Street

It is currently being discussed where the new water main should be located on Lake Street, perhaps underneath the sidewalk on the Plaza side.

Relocation of Waddell Pump Station

Rebuild of Monell Street Sewer

Construction of Gravity Sewer between PY Marine Site and Monell Pump Station

Construction of Monell Pump Station

These projects appear later on the work schedule.

Village Board Meeting

Chairman French and Commissioner LeClaire plan to attend the Village Board meeting on June 17th.

Service Requests

Executive Session

MOTION by Commissioner Payne, seconded by Commissioner Hamilton to adjourn into Executive Session at 10:14 am.

MOTION CARRIED.

MOTION by Commissioner LeClaire, seconded by Commissioner Payne to adjourn out of Executive Session and return to the regular meeting at 10:40 am.

MOTION CARRIED.

MOTION by Commissioner Banach, seconded by Commissioner Payne to adjourn the meeting at 10:42 am.

MOTION CARRIED.

Next Meeting

The next Municipal Utilities Board meeting will be held Thursday, July 10th at 8:30 am in the MUB Meeting Room.

Karen M. Fox, Secretary