

DATE OF MEETING: February 8, 2024

PLACE OF MEETING: Village Hall

KIND OF MEETING: Business

MEMBERS PRESENT: Chairperson Lauri Taylor  
Commissioner Jerry Locascio  
Commissioner Arthur Guzzo  
Commissioner James Schmitt  
Commissioner Stephen Pezzella  
Town Alternate Jim McCarthy

MEMBERS ABSENT: Commissioner John Burweger

CONSULTANTS PRESENT: In person: Joe Eriole, Esq., Rich Kane, WWTP,  
Via conference call: Jon Soukup & Brian Suozzo, Cedarwood  
Engineering & Dan Stone, LaBella Associates.

At 7:00 p.m. the Business Meeting of the Pawling Joint Sewer Commission was called to order by Chairperson Lauri Taylor with the Pledge of Allegiance.

**MOTIONED** by Commissioner Locascio to approve the January 2024 Organizational & Business Meeting Minutes. **SECONDED** by Commissioner Pezzella. There was no further discussion; all were in favor, motion carried.

**MOTIONED** Commissioner Schmitt to approve the January 2024 Treasurer's Report as presented. **SECONDED** by Commissioner Guzzo. There was no further discussion; all were in favor & motion carried.

**MOTIONED** by Commissioner Locascio to approve payment of the January 2024 Vouchers and any pre-paid Vouchers. **SECONDED** by Commissioner Pezzella. There was no further discussion; all were in favor, motion carried.

**MOTIONED** by Chairperson Taylor to approve the transfer of \$51,793.00 from O&M Acct. to Checking Acct. to pay January 2024 Vouchers & any pre-paid Vouchers. **SECONDED** by Commissioner Pezzella. There was no further discussion; all were in favor, motion carried.

Chairperson Taylor opened discussion for Ref. # 4.24 – Letter in Response to J. Groups Design, LLC regarding sewer hook-up at 63, 67 & 71 East Main Street. Chairperson Taylor said the Commission had agreed at the last meeting to send a letter to Pawling Commons just to make sure with their new building and sometime in the future another building we wanted to make sure that their existing sewer lines can handle it and to ward off any issues that might arise, so we are asking them to camera them or at least inspect them. Commissioner Locascio asked if they were expecting this. Chairperson Taylor said yes, they were.

Chairperson Taylor then opened discussion regarding Ref. # 07.24 regarding Request for Lead Agency for the project name KHJW 568 Route 22 to Amend Site Plan/Special Use Permit. It is for the Jehovah Witnesses' to provide a couple of apartments. Chairperson Taylor asked if anyone

had any questions about the Planning Board taking Lead Agency on this. Commissioner Schmitt asked for a little more information. Mr. Eriole said he had been at the Planning Board Meeting where they had fleshed this out a little more fully and their proposal is to amend their approvals to allow people who serve the church exclusively to also stay there on occasion. Commissioner Schmitt asked if that building is on the sewer line. Chairperson Taylor asked Dan Stone if it was part of the system. Dan Stone said he didn't know. Christine said she didn't think so because they are not on the billing system. After some discussion the Commission agreed that the building is not on the sewer system.

**MOTIONED** by Commissioner Schmitt regarding Ref. # 07.24 to allow the Planning Board to take Lead Agency on project name KHJW 568 Route 22. **SECONDED** by Commissioner Locascio. There was no further discussion; all were in favor, motion carried.

Chairperson Taylor opened the discussion regarding Ref. # 08.24 Quote from GP Jager to purchase two rotors lobes for the WWTP. Chairperson Taylor called upon Rich Kane to explain what they were for. Rich said these were replacement parts needed for the lobe pumps at the WWTP and they are very important part of the treatment plant. Chairperson Taylor said it seems we are replacing these a little too often and asked Brian of Cedarwood if he could take a look at them and see why we are going through them so quickly. Dan Stone said that he and Brian were going to have a phone call the next day and the maintenance of the plant is on the list of things to be discussed. Chairperson Taylor explained that we are ordering two so that we will have one spare on the shelf so we don't wind up having to rush order the next time when it goes out next which will save money. Commissioner Schmitt asked if these were the original ones that are being replaced, Commissioner Locascio said probably not. Brian from Cedarwood asked if this was a single pump – Dan Stone answered saying it was a duplex. Brian asked if they could get a PDF of the “as built” plans for the WWTP – Dan Stone said he had confirmed that morning that there is a digitized copy and he will make sure that Brian gets a copy. Commissioner Schmitt asked if this was one of the parts that only has a 12 month life expectancy – Chairperson Taylor said she wasn't sure.

**MOTIONED** by Commissioner Schmitt to approve Ref. # 08.24. **SECONDED** by Commissioner Locascio. There was no further discussion; all were in favor, motion carried.

Chairperson Taylor opened the discussion regarding Ref. # 09.24 – the proposal from Municipal Solutions to conduct Budget & Financial Policies. Chairperson said that with our Budget process & with our negotiations that we've been having and trying to form a new IMA it was discussed about our finances and the feeling that we don't have a good handle on or the budget is not as tight with our finances, so it was discussed that we go to our financial advisor and ask for a proposal for a complete diagnostics of our finances so they can advise us on where we can do a little bit better and making sure that we have our accounts set up the way we need to have them, and at this point I know we are interested in knowing what the fund balance, but until RBT gives us the remainder of 2023 we can't even figure that out & that is why it was a little bit late getting the Agenda out because I was chasing Municipal Solutions for the proposal because I want to keep things moving and this proposal came in after hours last night. Chairperson Taylor continued, that in the proposal they are saying they would charge \$165.00 per hour and it should be approximately 35 hours to do everything. Chairperson Taylor said she would like to propose that we cap it at 35 hours so we are not an endless flow of expense and in order to keep things moving, Chairperson Taylor said she would like to ask for a motion if we are all comfortable with this to approve her signature pending the attorney's review to make sure everything is fine with it. Commissioner Schmitt asked how quickly would they be able to get started with it –

Chairperson Taylor said she thought they could get started with it pretty soon, but its pending us getting it executed so rather than waiting to approve her signature for a whole month, to approve her signature up to a cap of 35 hours if we are all comfortable with that and approve her signature approving attorney's review. Commissioner Schmitt said that the proposal was great, but wanted to know if Chairperson Taylor thought we might have the report back before next month's meeting – Chairperson Taylor said she didn't know, but probably not. Christine pointed out that we still don't have all of the information we need from RBT for the remainder of 2023. Chairperson Taylor said that is a big part of the problem, that RBT is very slow in getting us the information as you know, the most recent information we have is September and so we can't even close out our books for 2023 because we don't have all the information we need and it makes the budget process hard, we had to put the draft budget together in October and it just makes everything difficult – another thing Chairperson Taylor asked Municipal Solutions if they know of any other accounting firms that we could get proposals from and see if we can get someone who could do a little bit better job of it. Commissioner Locascio said he liked the idea of having Municipal Solutions taking a look at it. Commissioner Schmitt asked where Municipal Solutions was based – Dan Stone said they are just south of Canandaigua, NY and they were a sub to Chazen doing the finances of the construction of the WWTP so they have significant familiarity with the Village & wastewater. Chairperson Taylor asked where everyone's comfort level was on this. Commissioner Schmitt said he was OK in approving up to 35 hours on this and seeing what they can get us in 35 hours of service, and it's a fair rate per hour for financial people and if they could start digging into stuff and get some answers to the Commission, it would be great and maybe they could put some pressure on RBT to get the rest of the information to us. Commissioner Locascio said he wasn't sticking up for RBT, but as you know at the end of the year you still have bills coming in and you still have expenses going out so you have to wait. Commissioner Schmitt said he would be in support of having the Commission's attorney send RBT a letter telling them that we need our stuff pretty quickly if we thought it would help because all the time they are taking is costing us time to make decisions while we are trying to work on this IMA – Commissioner Locascio agreed. Commissioner Schmitt said you would think that RBT could get us at least through November and if they were on top of their stuff they should be giving us a plan and they are getting paid by this Commission. Commissioner Locascio said Municipal Solutions is giving us as part of their package a game plan for moving forward and he is in favor of it.

**MOTIONED** by Commissioner Schmitt to approve for Chairperson Taylor to sign up to \$165.00 per hour, but not to exceed 35 hours of service from Municipal Solutions so they can start working on the finances for the PJSC pending attorney review. **SECONDED** by Commissioner Locascio. There was no further discussion; all were in favor, motion carried.

Chairperson Taylor opened the discussion regarding the Castagna Project (The Woods) and called upon Commissioner Schmitt & the Engineer's for any updates Commissioner Schmitt asked Dan Stone if he had talked with Castagna since the previous month, Mr. Stone responded he had not talked to anyone, but he knew that they had been in contact and had received most of the meters and were in the process of installing them. Mr. Stone said his anticipation is that they will be in operation May, June time frame. Commissioner Schmitt asked Mr. Stone if he was talking about the first building – Mr. Stone said he believes that four are ready to go, there are two that are lagging a little bit. Commissioner Schmitt said they had not had any contact with them regarding a completion date since last month, but they (Town of Pawling) could reach out to them before the March Meeting even with their building inspector there are thinking about being ready – Commissioner Schmitt continued, that he didn't have an update since last month as to what they have completed since then, and maybe in the winter time it slows down a little bit until the good

weather. Commissioner Schmitt moved on to the ASPCA saying they (Town Hall) haven't done anything because it looks like it's just dirt work right now, it doesn't look like there is anything in the ground yet. Commissioner Schmitt asked Mr. Stone if they had ever given him a projections of when that building would be up & added that they did get started later than they had anticipated. Mr. Stone said they did have some changes in contacts and things, but the last he heard from their Engineer is they expect sewerage to be under construction in the late spring. Mr. Stone continued saying that Commissioner Schmitt and ex-Chair Dan Peters and he had talked about the possibility of using force account to build an odor control system for the Castagna pump station. Mr. Stone suggested this was something that should be looked at again pretty soon because the deal we cut with the ASPCA was that Pawling Joint Sewer would need an odor control system where sewer district number 4 comes in and also when the buildings of Castagna project comes in because they will be STEP meaning anaerobic waste will be coming into that pump station and we don't want to create a bubble of odor at the entrance of Castagna Road, but we need to sweeten it by aerating it and pushing that air into a subsurface woodchip bio-filter similar to the two we have at the wastewater treatment plant, so if that is something that the Commission feels that is something that can be done on a force account basis, we need to get DOT on board because that entire pump station are on public right of way, we don't need an occupancy permit, but we need to share with them what our intent is. Mr. Stone continued, saying if the current make-up of the Commission wishes to proceed with that we should dust it off and make it a separate item to talk about. Commissioner Schmitt told Mr. Stone that the Castagna project is required to make a bus stop down there before these buildings open. Mr. Stone said he didn't know that. Commissioner Schmitt said they will need to be involved with the placement of the bio-filter because he knows that was one of their planning approvals, a DOT bus stop, or a shelter down at the end of that road and he didn't think you could go in any further because the road is a privately owned road, so it would have to go at the end. Mr. Stone asked Commissioner Schmitt if it's located on a plan where that shelter would be. Commissioner Schmitt didn't know, that it was part of a resolution from the Town Planning Board, there were a couple of requirements that they have to meet before moving people into those buildings and one of those requirements is definitely a shelter. Mr. Stone suggested that we look at the plans, but he didn't believe that where he was proposing the bio-filter to be located wouldn't be a suitable location for a bus shelter, it is behind the guide rail that DOT owns.

Chairperson Taylor called upon Mr. Stone to give his Engineer's update. Mr. Stone said LaBella has met with Cedarwood and they are moving along with the transition. LaBella has also met with Chairman Taylor and Deputy Mayor Locascio to talk about all of the things LaBella currently does and what is being transitioned to Cedarwood and those talks seem to be going well. Mr. Stone said he has a meeting with Brian of Cedarwood to discuss maintenance of the WWTP the following day. Mr. Stone said that was all he had. Chairperson Taylor asked if anyone had any questions for Mr. Stone – Commissioner Guzzo asked what month did Mr. Stone say Castagna was going to have the first work completed – Commissioner Pezzella responded that it was June.

Chairperson Taylor called upon Joe Eriole for the Attorney Report. Mr. Eriole said he would take a look at the Municipal Solutions Contract with the points that were made in tonight's motion, as it was mentioned that it came in late last night, but we will look at that right away and the only other thing that I would report on is the IMA discussions which are largely suspended at the moment as certain information is being passed back & forth between the Town & the Village. There were no questions asked of Mr. Eriole by the Commission.

Chairperson Taylor called upon Rich Kane of the WWTP for his report. Mr. Kane said we had a little over 14 inches of the previous month, the had roughly 5-6 days where they had to operate the plant manually on split shifts nursing it through the high flows & those were the only problems they had last month. Chairperson Taylor thanked Mr. Kane, saying that they had worked with the Commission and agreed to work split shifts during these events, which saved the Commission quite a bit of money. Chairperson Taylor said the Commission is currently working with Trinity Pawling to figure out a plan addressing the I&I coming from there, and the Commission has put out the RFP for the repair of the cracked pipe on Reservoir Road to get that repaired so we don't have I&I from that. Commissioner Locascio asked when those bids would be open, Christine responded that it was the first Monday of March and added that we had a number of people who have called about it. Chairperson Taylor said she knows that it's a pretty deep excavation so it has to be a company that has shoring and all of that equipment. Mr. Stone added that traffic control is the biggest issue for that – Chairperson Taylor said we are trying to hold off until school break. Chairperson asked Mr. Kane if he had anything else to add – he did not. Commissioner Schmitt asked Mr. Kane what the high number was of inflow, Mr. Kane said it was 998,630,000 gallons, which was on the 9<sup>th</sup> of January. Mr. Stone added, to put it into perspective the average base flow at the plant is between 200,000 & 300,000 per day. Commissioner Schmitt commented that basically it's triple with the I&I, Chairperson Taylor said that just shows you how much I&I issues we have that need to be addressed.

Chairperson Taylor asked if any of the Commissioners had any questions – Commissioner Locascio said he had a couple of points that he wanted to bring up regarding the principle discussions meetings, that he had an opportunity to view the previous night's Town Board Meeting and he was a little concerned to hear some of the things that were being talked about, one of which you (Commissioner Schmitt) did correct Jimbo (Jim McCarthy of Deputy Supervisor of the Town of Pawling) on a comment where we (the Village Commissioners) were unwilling to lower their salaries (stipends) which was inaccurate – Commissioner Schmitt agreed – Commissioner Locascio continued saying we actually said we were willing to cut our salaries (stipends) in half except for the Commissioner (Chairperson) Commissioner Schmitt agreed and said they did make sure that they corrected that. Commissioner Locascio agreed that they had, but it took a little while for Commissioner Schmitt to do that & he never apologized for misleading that statement, and when they go into Contract negotiations, it is his belief that those negotiations are confidential, and by confidential he meant confidential between the principles and the other Board Members, and to come out publicly and start speaking about things that they are negotiating hurt his feelings and it kind of set us back and he thought they were on the right path, he thought they were moving forward – he thinks the impression that was given, was that there is a lot of animosity on this Board and that we don't get along and that we always have issues where it's the Village voting against the Town, and that's not the case. Locascio continued, as far as he could remember, every vote the Commission has ever taken has been unanimous, & the Commission has always agreed on different things. Commissioner Locascio added that one of the things he felt the Mayor (Chair) could probably express better was the financial liability of the plant – Locascio asked Chairperson Taylor if she would like to talk about that. Chairperson Taylor said what she could make clear was that the sewer plant is a Village owned wastewater treatment plant and the property that it's on is Village property and it is the Village's bond rate that was used to take out a 15.9 million dollar bond to build the new plant and it is the Village taxpayers who are on the hook should we trip and stumble with the payments back. The Town is in the IMA as a Contract and they are responsible for raising the funds for the Town users which is District one, Westmount & Prospect, District two which is Cedar Valley that never would have been able to be built if it weren't allowed into the sewer plant – and Castagna (The Woods) & ASPCA is going to be a Contract when they hook in and District four if it comes to fruition and

Chairperson Taylor felt that just having that clarity there that it is the Village that is fiscally responsible so that is why when the IMA was formed, it was formed in the way that is was with the makeup of what it is with the Village Board being elected Officials because we are setting the Budget and we are making fiscal decisions, so I guess that clarifies things. Commissioner Locascio said it did, and he added that if the Commission falters, the Town has no liability, the users of the Town have no liability to pay that back, it's on the Village taxpayers, it's on the Village residents. Commissioner Locascio continued saying another thing he thought that was misleading the previous night was that they (the principles) have been talking about is getting the financials and the last time they spoke three weeks ago, it was his suggestion that they (Town Principles) reach out to Christine directly to get our financials, they're given to us (the Commission) when she receives them as she has all the past years – the Town indicated they wanted to go through RBT – Commissioner Schmitt interjected that they had gone through RBT because they thought it would speed up the process & it wasn't because of anything with Christine Brown & that's why we said we had reached out to RBT for those years, that is what we said on the record. Chairperson Taylor said at your meeting last night (Town of Pawling Board Meeting) you, at least as I understood it, implied that Christine hadn't responded to your email requests, but the request went into RBT, not Christine. Commissioner Schmitt said that was correct, but he thought that was what they has said at the meeting – Commissioner Locascio said the way it came across was that basically we (the Village Principles) were trying to snowball these – Commissioner Schmitt said that it wasn't meant to be that way. Chairperson Taylor said just to be clear, when Christine receives RBT Reports, they are then immediately distributed to the Commissioners, so we are more than happy to provide them to you again, but the Town, whoever the Commissioners are have been receiving them all along. Chairperson Taylor continued, saying if it would speed things up & you want Christine to provide that all for you – Commissioner Schmitt said that was why we thought that going to RBT directly, which is where our original request went – Chairperson Taylor said how did that work out – Commissioner Schmitt said he personally believes that if anyone from the Commission reaches out to RBT they should respond – Chairperson Taylor asked if they had responded – Commissioner Schmitt said no, they did not, it got kicked over to you guys, but that was the point that they made (Town of Pawling) it wasn't at Christine at all, and the reason we didn't go to Christine in the first place is because RBT was doing the accounting, so as a Commissioner and anyone here including myself should be able to go to them and say hey, we are looking for this and it shouldn't have to get kicked back to you (Christine). Chairperson Taylor said they do get sent out to the Commission (the reports) as she receives them, so you have all of these if they are received in a quarterly fashion, the quarterly reports go out the very next day, and any year end summaries do get distributed to the Commission. Christine said the last group of reports that went out was a group because that was how she received them, three months all at once, that what she received. Chairperson Taylor said that is because they (RBT) are backed up. Christine said that RBT had just asked her for information regarding October of 2023, questions about that month. Chairperson Taylor said this is why we are looking to see what other firm we can use. Commissioner Locascio said hopefully Municipal Solutions will give us guidance on that and he is looking forward to getting back to the table and working – Commissioner Schmitt said the important thing is that he understands the Village's involvement in this and why the IMA was what is was forty years ago – the IMA is forty years old, but from a Town perspective the next forty years, he believes the Town is going to outgrow the Village & the Village isn't going to make any more land & we're looking to go down Rte. 22, potentially up 22 and if you were to plan an IMA for the next forty years it wouldn't be the same as the way the current IMA is – because forty years ago, the Village was where the sewer was and there was no plan of growing Route 22 in other ways, so with myself & the Town we pushed for a larger presence on this Board & to make this more of a neutral Board, not a Town Board, not a Village Board it's because he thinks in the next forty years he would fully

expect the Towns sewer flows to greatly outpace the Village in the next forty years. Mr. Eriole asked if he could speak to that – and said he wanted to be careful and again, as Commissioner Locascio had mentioned, you know the discussions themselves he thinks are contractual discussions between the principles, but he wanted to mention that there have been discussions and the willingness on the part of the Village to discuss the makeup of the Board that would be based on the potential change over time, but those are ongoing discussions and he didn't think the Towns response to the Villages proposal initially wasn't favorable, but it's something that's been discussed and he thinks it's something that will continue to be discussed if they get back to the table – so it was not ignored in any way, the idea of a prospective agreement that could take into account the possibility of future flow levels is something that has been discussed by the group openly with the Village as well, also for what it's worth, now the numbers still even with these anticipated developments that we discussed tonight in the Town and some of the future development in the Town still would favor the significant flow or the greater flow for the Village than for the Town, so he didn't want it to be the perception as Commissioner Locascio said notwithstanding what you guys (Town Board) may have meant as being part of the negotiations, at the meeting last night there seemed to be an intimation that there was an unwillingness to discuss those things and it's not true and he thinks we're (Village Principles) are still willing to continue in good faith with those discussions. Commissioner Locascio said the IMA itself is forty years old & we all agree it is antiquated, there has been Amendment after Amendment added to it through the years and most recently last summer the Town Board felt they weren't properly represented, we opened up the IMA and we put another Board member on for the Town with an alternate so you can always have two people at the table. So as far as things progress down the road from now, I am sure that would be discussed as the flow increases in the Town & the Town grows – Commissioner Locascio continued saying he just wants to get back to the table and get this moving, we need a new IMA – we need a new rate structure, there have been a lot of hours put into that and I would just like us to get moving. Commissioner Guzzo said he had watched the Town Board Meeting, and although he is new here and not a politician and he came here to help people & it feels like its Town vs Village and he lives in Pawling and would never hurt the Town in any way and he would vote for whatever is good for the community. He feels like he is a resident here and he would not hurt the Town & he doesn't understand Town vs Village – Commissioner Schmitt said you have to understand this isn't even for our Board & your Board, this is for the future years to come & while we sit here & say we're happy to review it at a later date when these flows change, there's actually there's no way to make sure that happens ten years from now when probably no of us are sitting in these seats, Castagna could be built out and Rte. 22 could be built out and there could be stuff all over the place and flows could tip immediately, but if that's not built into this IMA the Sewer Commission the way its set up in ten or twelve years at that point in time could say you know, we're not going to – how do you build it in to say when it hits 50% or 49% and 51% how are you going to build it into the point where you say at that point in time in this IMA who whatever Boards are in place absolutely have to sit down and open up the books again – otherwise the Town would be at a point where they have two or maybe three votes and the Village would have five and they would say well we don't care what Lauri Taylor and James Schmitt negotiated fifteen years ago – Commissioner Guzzo said he gets that, but my neighbors - I just wouldn't I don't understand you. Mr. Eriole said just to address that specific point that kind of language can definitely be written so that going forward it's not just a matter of saying we will agree to agree later, you can write pretty specific language that discusses the formula for how the make-up of the Board would be that I think both parties would be comfortable with if the Principles can agree on what that should be. Chairperson Taylor said I think we just got to get back to our working group Principles however which way you want to do it, but I think if we get back to it and start rolling up our sleeves and figuring out how you can have that language that's going to satisfy everyone. Commissioner Schmitt said he would like to

add one more thing – he would really like to have and he thinks we would all prefer to have some information from Municipal Solutions before we agree on how to re-structure stuff to know where we are, where we are sitting – where we are ending the year. Chairperson Taylor said that was her take away from our last meeting was that we wanted to sit tight until Municipal Solutions had a chance to go through the books and figure out where we really are standing and then we would get back to the table – Chairperson Taylor asked Commissioner Schmitt if that is what he took away as well – Commissioner Schmitt agreed – Chairperson Taylor said she just wanted to make sure they were on the same page – Commissioner Schmitt said yes. Chairperson Taylor said we will just try to move this along and try and get information as soon as we can and then we can get back to the table and have further discussions. Commissioner Locascio said that when he says rate structure he is not referring to increases and as you know, it's been explained to us a hundred times how we charge the residents – Commissioner Schmitt said it's still really hard to understand how the rate structure works – Commissioner Locascio agreed and said with the new formula it breaks it down and it's much easier and its fair. Commissioner Schmitt said this was another reason why they were looking for two to three years and put them side by side and then make a justification for your rate increases rather than going by one year, if you put together three years in a row then you can make a good projection on going forward with what things are. Chairperson Taylor said she thinks we are all on the same page.

Chairperson Taylor asked for a motion to close the meeting and go into visitor comments.

**MOTIONED** by Commissioner Locascio to close the regular business meeting. **SECONDED** by Commissioner Guzzo. There was no further discussion; all were in favor, motion carried. Time: 7:45PM

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Jerry Locascio, Secretary