

Date of Meeting: September 8, 2005

Kind of Meeting: Business

Place of Meeting: Village Hall

Members Present: Allen Rundall
Robert Liffland
Tracy Durkin
Carol Reynolds

Members Absent: Chairman Edward Hauser
Wayne Osborn

Others Present: Jim Fitzsimmons of Dufresne-Henry
Seth Sheraden of Environmental Consultants
Steve Mance of Environmental Consultants

At 7:35 p.m. the business meeting of the Pawling Joint Sewer Commission was called to order by Vice Chairman Allen Rundall with the Pledge of Allegiance.

MOVED by Tracy Durkin, SECONDED by Robert Liffland to accept the minutes of August 11, 2005 as presented. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to accept the treasurer's report of August 1, 2005 through August 31, 2005 as presented. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve the September prepaid vouchers and the August, 2005 vouchers as presented. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Robert Liffland to accept the Correspondence Log of September 2, 2005 as presented. All were in favor and motion carried.

Old Business and Reports

Attorney Report

No attorney present and no report submitted.

Allen Rundall said that Chairman Edward Hauser had a conflict in his schedule this evening and that is why he is not here tonight.

Allen said he and Chairman Edward Hauser went up and looked behind the curbs on Summit Ave. and Willets Dr. and they both feel that the curbing needs to be filled in. Allen said it is a little bit more than the street department can handle. Allen said with the approval of the board he would like the Commission to go out and get two or three quotes on the job. He said it's a very small job, all they have to do is backfill the curbs, raise a little black top by the one dive way at Ragnetti's so the water will go away from the curb and out into the road and into the catch basins.

MOVED by Robert Liffland, SECONDED by Carol Reynolds to authorize the Sewer Commission to obtain quotes for the curbing work that needs to be done up at Summit and Willets from two or three local contractors and bring those quotes back to the Commission next month for approval. Carol asked who did the curbing. Allen said the contractor who did the sewer work. Carol asked if this is part of the contractor job. Allen answered no and Carol asked why not. Allen said it was the way the original contract was written. The paving was all extra when they saw how deep they had to go for the sewers. All were in favor and motion carried.

Robert Liffland said that he met with Mrs. Whalen tonight. He said she was under the assumption that the sewer lateral was going to be brought to her property through the easement she has with the Utter's. Rob said that Mrs. Whalen is also concerned about if she has to do any repairs to the sewer line, will she be able to go through the Utters property to do them. Rob said that when he was up there, he did not see where they brought the line from Metro North to her property. Rob said it was his understanding that Fastracs was supposed to bring the line to the Whalen's property line. Allen said that his impression was that Fastracs was going to bring a tee in there for the Whalen's. Rob said that the laterals for sewer connections were always brought to the property line and he doesn't see why the Whalen's should be any different. They shouldn't have to pay for that. Rob said this is something that the engineers should look into. Jim Fitzsimmons said he can look into it. Tracy said change order number four explained what Fastracs did there but it doesn't have the plan.

Engineering Report

Jim Fitzsimmons handed out a monthly status report before the meeting started. He went over the items on the report. (Attachment I)

Jim recommends the Commission keep the retainage from ELQ until all of the punch list items are complete. Rob said he wouldn't agree to release it until the work is done and the engineers are satisfied. Allen said that at the July meeting they voted to release the money once the engineers had agreed that the punch list was satisfied and everything was done. He said the Commission shouldn't release the money until that time.

Linda pointed out that there is some correspondence from the attorney about this matter.

MOVED by Robert Liffland, SECONDED by Carol Reynolds to not take any action at this time to release the retainage to ELQ until the engineers are satisfied that the work is complete. Rob is wondering if it's legal. Tracy explained that it looks like the Commission can either accept the Bond and release the retainage or they can reject the bond and keep the retainage. The Commission needs to do one or the other. Tracy asked what happens if ELQ doesn't finish the punch list items, does the Commission call the performance bond. Jim Fitzsimmons said that is the theory but if the Commission has the cash in hand then they won't have to worry about going through that process. Rob feels a letter should be written to the contractor stating that if they don't respond by Monday, the Commission will hire another contractor to finish it taking the money to pay for it out of the retainage. He said this has been going on for a long time now and it needs to be finished once and for all. Carol said that maybe they should look at REF#94 which is a letter from the attorney stating that there is enough security if the Commission was to release the retainage. Carol wanted to withdraw the last recommendation and give it back to the attorney. She said she agrees with having the cash in hand but she doesn't want to go against the attorney. Tracy said the attorney is not recommending the Commission accept the bond and release the retainage, he's just reviewing whether the posting of the bond in lieu of retainage provides sufficient security and he states that it does. But he also brings up these other things. He is not really making a recommendation, he's just saying it's an acceptable alternative and that the contract with ELQ permits it. Tracy said it is unclear from this letter if the Commission is obligated to do it.

Rob withdrew his motion to take no action at this time. He would like clarification on the letter from the attorney.

Jim said that if the Commission wants, they could table it for now and in the meantime they could send ELQ sort of a threatening note stating that the Commission is possibly looking at getting someone else out there to do the work. Allen said OK, they will put this back into the hands of the engineers and the attorney for further review. Jim said they just want to confirm with the attorney that the Commission is not obligated to take their bond and Jim will get a letter together in the meantime.

Jim continued going over the monthly report.

Allen said there is one thing he wanted to bring to the boards attention; the vouchers have been approved and in the list of vouchers is the pay request from Fastracs which includes the work they did up at Utter's and Whalen's. If that was not done correctly than that voucher should be held until it's shown that the work is done correctly. Jim Fitzsimmons asked how much the voucher is for because the Commission might be OK with the retainage. Tracy said the change order for the work is \$5,350 and if the work is done incorrectly than the Commission does have the retainage.

Sewer Operator Report

Seth said that all of the operations at the plant have been good. They did meet permit flows this month, so that is a good thing.

He said all testing was good.

The holding tank is all done. They drained it, cleaned it and painted it. Seth said Rich worked really hard on it and it came out really nice.

Seth said they did have the flow meter checked and the service guy said it was reading a little high.

Seth said they had a sewer back up over by Chris's Deli. There was a lot of grease and that's what the back up was from.

Seth said Mountain Machine came out and completed the bearing on the RBC and they also did the seal repair on RBC #3.

Seth asked what, if anything, was going on with the Baxter Green pump station because he hasn't heard anything and they haven't had any alarms at Sheraden. Seth is wondering if the pump station will be getting turned over to the Commission any time soon. Robert Liffland said a year and a half probably at least. He said that was one of his questions tonight was that with the pump station, he said the last he spoke to them they were going to get Griffen in. He said they explained that something with the way the elbow is turned, it creates the vacuum. Seth said he's not aware of these things but it is his understanding that there are some design flaws with the pump station. Rob asked Jim Fitzsimmons if he is aware of what is going on with that pump station. Jim said no, he has not been filled in on that. Rob said he's glad to hear there hasn't been any alarms and the flows are being controlled.

Allen asked Seth if the sewer back up at Chris's Deli was in the customer's line or our line. Seth said it was in the main line coming from that area.

New Business

MOVED by Tracy Durkin, SECONDED by Robert Liffland to approve transfer of \$102,320.69 from Willets/Summit Extension MMA#15004210754740 to O&M MMA#15004203346918 for Fastracs pay request no. 4, engineering and legal fees for the Summit/Willets sewer extension project. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve adjustment of \$43.14 penalty charge for sewer customer account #725 due to the bill was paid late because customer was out of town because of a sick family member.

Carol said she doesn't think this is a good reason. A lot of people go out of town and don't get their bills paid, it doesn't mean that they should get credit for the late charges either here or any place else. She said it has happened to her when her dad was sick and she had to leave, she had to pay the late fee when she got back.

The vote was: Robert Liffland	Aye
Tracy Durkin	Aye
Allen Rundall	Aye
Carol Reynolds	Nay

Motion carried.

Commission Member Comments

Linda said the \$5,000 escrow money was received from Toll Brothers if the Commission wanted to go ahead and officially authorize Dufresne-Henry to start the study.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to authorize Dufresne-Henry to start the study for Toll Brothers for hooking into the sewer system. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to close the meeting and adjourn. Time: 8:18 p.m. All were in favor and motion carried.

Wayne Osborn, Secretary