

Date of Meeting: February 9, 2006
Kind of Meeting: Business
Place of Meeting: Village Hall
Members Present: Allen Rundall, Chairman
Robert Liffland
Tracy Durkin
Wayne Osborn
Carol Reynolds
Michael Montemarano

Others Present: Jim Fitzsimmons of Dufresne-Henry
Steve Mance of Environmental Consultants
Rich Kane of Environmental Consultants
David Wise of Gellert & Klein, P.C.

At 7:30 p.m. the business meeting of the Pawling Joint Sewer Commission was called to order by Chairman Allen Rundall with the Pledge of Allegiance.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to accept the minutes of January 12, 2006 as presented. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Wayne Osborn to accept the treasurer's report of January 1, 2006 through January 31, 2006 as presented. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve the January, 2006 vouchers with the exception of voucher #05 from Environmental Consultants for \$535.29 which pertains to the work they did at the Baxter Green lift station and voucher #12 from Savarese Septic Service for \$1,190.00 for the pumping they did over at Baxter Green lift station . Chairman Allen Rundall said the developer agreed to pay these vouchers. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Mike Montemarano to accept the Correspondence Log of February 3, 2006 as presented. All were in favor and motion carried.

Old Business

Attorney Report

Chairman Allen Rundall said he asked the attorney to be here tonight because there are several issues he feels they need legal advice about.

Chairman Allen Rundall asked Dave Wise if he got the fax from Ron Gainer of Dufresne-Henry concerning the Baxter Green pumping station. Dave said he did not receive any fax from Ron. Linda said she didn't get anything either. Chairman Allen Rundall filled Dave in on some of the problems they've been having with the pump station not working properly. He said that Ron Gainer found in his research that the Village has a bond on the pumping station. Ron wanted Dave to review it and give his recommendation as to whether we should use that bond to get this pump station working properly and have it checked on a daily basis.

Dave said he will review the fax first thing tomorrow morning. He said that when Linda called him about the Baxter Green pump station issues the first thing he put a search for was to determine whether a bond has ever been posted. Dave asked if the board of health is involved because they are talking about overflow into a residents home. Chairman Allen Rundall said the pump at this point does not belong to the Sewer Commission, it is still owned by the developer. Chairman Allen Rundall explained that when that pump doesn't work right, it sends a tremendous amount of flow to the Sheridan Dr. pump station and causes a lot of problems there and then to the plant. Jim Fitzsimmons said another problem is that the residents know they can always reach our plant operators and can never get the developer. So the plant operators always wind up responding when they really shouldn't have to at this point in time. Dave asked Jim if they know what is causing the malfunction. Jim said there is no maintenance records provided and it seems to be a couple of different things. He said it's probably a few different things all contributing together to make more instances than there should be. It is probably strongly related to the proper operator not being there on a regular basis looking it over. Steve Mance said in the memo from D-H it is pretty detailed on all of the problems they've had and they are numerous. He said there is suppose to be a check valve before the residents house that has never been installed to prevent the overflow into the house. Steve said there is no alarm system that works. Chairman Allen Rundall said they are going to put check valves on the rest of the houses. Dave said that the Bond is probably the way to go but he wants to read through it first. Chairman Allen Rundall asked if he could let the Commission know how they should proceed after looking into the Bond issue. Robert Liffland asked Chairman Allen Rundall if he knew how many houses are left and how many of them will be going through this pumping station. Chairman Allen Rundall said he asked Joe Zarecki that question and he said all of the units left will be going through the pumping station even the ones up on top of the hill. Jim Fitzsimmons said maybe Joe didn't understand the question. Jim said he thinks the houses up on the hill are gravity fed. Robert Liffland asked Dave if all the houses are tied in that were supposed to be tied in, what is the Commissions obligation if they want to take the pump station over. Dave said the take over time is generally spelled out in the agreements and it's always a condition of the take over by the municipality that all plans and specifications have been with respect to the pump station. Dave said it sounds as though that has not been done so the Commission would not be in the position to take that over.

Rob said what he doesn't like about it is that it is a vacuum system and the rest of the pump stations we have are submersible. He feels the Commission will have problems with it and asked Dave if there is anything the Commission can do about changing it. Dave said he has to assume, maybe wrongfully so, that the vacuum system is in conformance with the plans.

Chairman Allen Rundall asked the Commission members what action they want to take at this point in time so that the developer will know the Commission is serious now and the pump station needs to be brought up to standards so it will function properly.

Robert Liffland said that he is pretty sure it's in writing somewhere that the developer needs to maintain that pumping station until the village takes it over. Tracy said the developer should know that the Commission is having their attorneys looking into the matter. Rob said the developer needs to know what his obligations are. Rob said they are supposed to be maintaining this and keeping records of the maintenance on this pump station. Jim said typically a developer would do their best to get a facility like this approved so that they could turn it over to the municipality and stop having to worry about it themselves. Rob said he would like to see the operators the Commission has now do the maintenance on this pump station on a separate contract not through the village. Steve Mance said they did entertain that idea and discussed it about a year ago and at that point the feeling was that it was better if it's not them so that there would never be fingers pointed at the Commission's operators. Steve said the operator does go there every day to just keep an eye on it.

Chairman Allen Rundall asked the Commission members if they would be in agreement to authorize the attorney to send a letter to Baxter Green advising them that the Commission has asked them to research and make recommendations as how the situation can be corrected. Jim said the memo D-H did in January pretty much outlines where it's gone astray and what the developer has to do to get it acceptable. (REF#126) Chairman Allen Rundall said that in his meeting with Joe Zarecki he found that nothing had been done that was on that memo from D-H. Chairman Allen Rundall said that sending a letter from the attorney would be a good idea. Mike Montemarano asked if it is a good idea to ask Baxter Green to respond to the letter within a certain amount of days.

Chairman Allen Rundall asked the members if everyone is in agreement to have the attorney send a letter to Baxter Green with the comments in Dufresne-Henry's memo. The members agreed. David suggested to the Commission that if there are any more instances of overflow into a residents house that they contact the Dept. of Health. He said he can put that in the letter.

Steve Mance said there was some other issues on Tuesday so there will be other bills coming in. Chairman Allen Rundall said to give the bills to Linda and she will forward them on to Joe Zarecki for payment.

Dave said the only other thing he's had to deal with in the past month is just to assist D-H concerning the Savarese RFP. He said there were some deficiency's in the initial insurance certificate. They got it all cleaned up.

Chairman Allen Rundall asked if this is a good time to bring up Dufresne-Henry letter REF#137. David said he hasn't had a chance to look it over. He said he'll look it over tonight and get together with D-H in the morning. Chairman Allen Rundall asked if any of the members had a comment on this correspondence. Rob asked if the letter went to Mr. Zegarelli already and Jim said yes. There was some discussion on the contents of the memo. Dave said because the property is not in the sewer district a tenancy agreement can be drawn up. Chairman Allen Rundall said they can discuss this next month after everyone has had a chance to look it over. Rob said on the topic of a tenancy agreement there is a property on West Main St. that might be looking to do the same thing. Linda said the correspondence must have come through the village clerk because she does not have it and Dave did not have it.

Engineers Report

Jim Fitzsimmons said Savarese who is doing the swale repair at the plant is getting all of their paperwork in order. They had a pre-construction meeting today and he'll get right into the work. Tom McGinn will be keeping tabs on how that is going. Jim said as for the phase one manhole repairs, they've been working with Metro-North on the permitting issues. Ron Gainer met with Metro-North because their permitting fees for flagmen were fairly excessive. Metro-North did agree to trim them down a bit and the village should be getting their revised permit condition shortly. Jim said as soon as that permit is in place the manhole repairs will be able to proceed. Rob asked if the contractor is set for that or does the Commission still have to go out to bid. Jim said that was all done and they are ready to go. Jim said he has been working with Seth on real data pertaining to the Toll Brothers project. He said very shortly they will be finalizing their report on recommendations on what they will need to do to get into the system. Jim asked if they have posted any additional escrow monies or not. Linda said the Commission did make a request but haven't received anything yet.

Sewer Operator Report

Steve Mance said the operations and lab testing were within permit limits. He said there was a significant amount of rain on the 8th. He said that Rich Kane and Doug Warren were out about 9:30 at night checking manholes. The daily flow on that day was 714,000 gallons. Chairman Allen Rundall asked if they found where some of the infiltration was coming from. Rich said they were up to the old laundry and had problems there. He said either his lateral has a problem or something because there is a tremendous amount of flow coming from there. Rich said he and Doug plugged that lateral going into the system. Rich said the amount of flow coming in, the pump couldn't handle so they had to have Savarese come and take five loads out to ease some of the flow down the main trunk line so everything would settle down.

Rich said there is definitely a problem in that area that needs to be looked into. He said the next heavy rain they get he wants to take some dye and just run it along this house's foundation to see if there is leakage in the lateral or something.

Rich said he thinks there is a problem with sub-pumps in the village. Jim Fitzsimmons said that the average person probably isn't aware of the fact that the sewer use ordinance doesn't allow a sub-pump. He said maybe the Commission should put out a notice about what the residents can't do.

Steve said there is one more thing they want to discuss. He said at the Greenlawn pump station they had a pump go down. They took the pump to Troy Pump and Supply for evaluation. They came back with a cost to rebuild at \$2,800 and a new pump is \$3,500. Steve said a big portion of that is the impeller so they won't need a new impeller for a long time. He said it would make more sense to buy a new pump than to have the old rebuilt. Steve said they sent a quote to Linda today. (REF#136).

Chairman Allen Rundall said he'll bring the pump purchase up under new business. Chairman Allen Rundall said he just wanted to take this moment to thank Environmental Consultants and Rich for the effort that he put in at Baxter Green. He said the guy's went above and beyond the call of duty and it is greatly appreciated by the people over at Baxter Green and this board really appreciates the effort.

Chairman Allen Rundall asked David Wise if it would be a conflict of interest if Environmental Consultants took care of the pump station over at Baxter Green. Dave said if it's a matter of the operators going out and eyeballing it and passing along recommendations, he doesn't see that as a problem. But if the operators are going to do anything hands-on to the extent that there is a maintenance obligation on the developers part to maintain the pump station, Dave said he would be concerned that any hands-on work by the operators would create an issue to respect to that maintenance. He went on to say that when there is another leak occurrence, all of a sudden there's going to be a dispute about who caused the leak and the Commission will quickly see fingers pointed at their operators. Dave said again, if it's eyeballing and making recommendations he doesn't see any problem with that. He said he certainly recommends that the operators not be instructed or recommended to do any hands-on work out there.

New Business

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve transfer from Willets/Summit MMA#15004210754740 to O&M MMA#15004203346918 for \$1,127.50 for engineering and legal fees paid. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve transfer from Escrow acct.#15004203347239 to O&M MMA#15004203346918 for \$4,494.06 engineering fees paid for Toll Brothers and \$59.18 fees paid for Baxter Green pump station. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Mike Montemarano to approve purchase of pump for Greenlawn pump station from Pump Service and Supply of Troy for the amount of \$3,575.00. All were in favor and motion carried.

Chairman Allen Rundall asked if there is anything to approve for the new computer purchase for the plant. Steve said Linda researched a couple of computers under the state bid and came up with a Dell and a Gateway. One was for \$980 and one was \$966. He said he took those specs and found one slightly cheaper around \$800. Steve said he believes they can get a nice computer with what they need for under \$1,000. Rob asked if they are sure that price computer has everything they need. Steve said they really don't need anything more for the plant. Rob said Steve should talk to Lewis who is in the audience and who knows about computers. Steve said sure, they can talk after the meeting and they'll come back with something next month for approval.

Commission member comments

Carol Reynolds said that it was her understanding that when people come to the Commission looking for agreements and such to hook up to the water and sewer lines, that they would be liable to pay for the attorney and engineering fees the Commission incurs by setting up an escrow account with the Commission. She said it looks like to her that the Commission put the cart before the horse because they already have the engineer looking into how this man can connect and he hasn't committed himself to anything yet. Chairman Allen Rundall said that the engineer did give the Commission advice on what has to be done and from this point on if Mr. Zegarelli wants to move forward then he will be asked for money for escrow to cover the fees. Dave asked Chairman Allen Rundall if he could speak to Carols comments. He said to Carol, having done a number of tenancy agreements he said the Commission to generally educate themselves as to the process, generally there is some underlying engineering work which is what D-H has done, then there is some brief correspondence or discussion between the attorney and the engineer and then the prospective tenant is advised that if they would like to go ahead with the service there will be a tenancy agreement and they will pay for the services of the consultants. There is usually an escrow account set up at that time and at that time you can recaptured as part of the agreement. Carol said she feels the prospective customer should have to pay before any charges are incurred. She said Mr. Zegarelli hasn't been back to the board and the Commission now has to pay this engineering bill. Chairman Allen Rundall said that they will from now on move forward very cautiously with the attorney and engineers. Carol said she would like to recommend that in the future they not tell clients to call the engineers so that the Commission is not responsible for those fees. Dave said he'll have a quick chat with Jim Fitzsimmons, then they will let the Commission know when to send a letter asking for escrow.

Mike Montemarano asked if there is any application with a fee and if not maybe the Commission should consider having one.

Chairman Allen Rundall asked the members to look at the letter he received (REF#134). He explained that this is an individual that is using water only to operate their boiler and is charged a minimum sewer charge of \$122.72 and that the customer feels that this is an excessive amount of money to pay for sewer when they only use it for the boiler. There was some discussion as to whether or not they are asking for any type of credit. Rob said they need more information on what type of boiler they use stating that if it's a steam boiler there would be no sewer used but if it's a hot water boiler than there might be a leak. Carol said that if she is reading the letter correctly it is saying that there is no water going into to sewer and therefore they feel they shouldn't have to pay. Tracy said they never said that in the letter and that the letter does not ask for any kind of relief from the sewer. She read it as them saying \$200 for 150 gallons of water is too much. Allen explained that everybody, no matter how much water they use has to pay at least a minimum water and sewer bill. It is set up that way so that the Commission can count on raising a certain amount of money. Tracy asked at what point would a customer not have to pay operation and maintenance. Linda said only when the water is turned off. Chairman Allen Rundall said he'll look into the kind of heat they have to see if they could shut off the water. Carol said she believes this customer isn't hooked into the sewer. Chairman Allen Rundall said yes they are, it's Coulter Ave. Carol said they were supposed to go through Charles St. but the sewer never went there. Chairman Allen Rundall said their address is Coulter Ave. and asked Carol if she knows they are not hooked into the system. Carol said she doesn't believe they are hooked into the system. Chairman Allen Rundall said he will look into this.

MOVED by Tracy Durkin, SECONDED by Mike Montemarano to close the meeting and adjourn. Time: 8:40 p.m. All were in favor and motion carried.

Wayne Osborn, Secretary