

Date of Meeting: March 9, 2006

Kind of Meeting: Business

Place of Meeting: Village Hall

Members Present: Allen Rundall, Chairman
Robert Liffland
Tracy Durkin
Wayne Osborn
Carol Reynolds

Members Absent: Mike 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 7:00 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 Tracy Durkin, SECONDED by Wayne Osborn to accept the minutes of February 9, 2006 as presented. All were in favor and motion carried.

MOVED by Wayne Osborn, SECONDED by Tracy Durkin to approve the February, 2006 vouchers for payment as presented. All were in favor and motion carried.

MOVED by Wayne Osborn, SECONDED by Tracy Durkin to accept the treasurer's report of February 1, 2006 through February 28, 2006 as presented. All were in favor and motion carried.

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

Old Business

Attorney Report

Dave Wise said he was contacted by the Chairman with respect to the property which is generally referred to as the Dorex property which is the subject of a sewer tenancy agreement back in December of 2002. He said at the time the agreement was put together it was and remains on the property a single story structure which is being used for commercial purposes. Dave said the owner of the property who we have on record as Christine Polesovsky contacted the village recently concerning a three story commercial structure to be placed on that piece of property. He said the tenancy agreement was limited solely to the then existing structure.

Dave said at the request of the Chairman, he has put together an amendment to the original tenancy agreement with a resolution. He said the amendment expands the scope of the paragraph in the agreement to include the three story office building.

Dave said he has a resolution so the Commission can approve the amendment or he can leave it for the board to review.

Chairman Allen Rundall said he personally believes the Commission should move forward with it tonight and not delay the approval by the planning board which meets before the next Sewer Commission meeting. Dave read the one changed paragraph out loud to the members.

Carol Reynolds made a motion to table this until next month because the purpose of the small building is still being discussed with the planning board. She said approving the agreement before knowing what they are doing with the little house is premature.

Chairman Allen Rundall asked if there is a second to the motion. He said hearing none the motion is denied.

MOVED by Robert Liffland, SECONDED by Wayne Osborn to accept the resolution and the Amendment to the agreement as read by council and authorize the Chairman to sign it. Four were in favor. Carol Reynolds opposed. Motion carried.

Engineers Report

Jim Fitzsimmons said they pretty much wrapped up the Toll Brothers report. He would have brought it with him tonight but he wanted Ron to take a look at it first and he is away on vacation. He will deliver it to the Commission next week.

Jim said as requested by the Commission, D-H solicited some quotes for the phase II manhole repairs from specialty contractors. REF#142

Jim said A Plus is by far the best price and they are certainly capable of it. He asked the Commission if they want to go ahead and contract with them to do the interior manhole repairs. Chairman Allen Rundall asked Jim if his recommendation is for the Commission to vote on this and accept A Plus. Jim said his recommendation is for the Commission to go ahead and approve A Plus and get that underway.

MOVED by Tracy Durkin, SECONDED by Robert Liffland to approve A Plus Mechanical Services proposal for a cost not to exceed \$8,800.00 for the Phase 2 manhole repairs. All were in favor and motion carried.

Jim said the swale repair at the sewer plant is going well. They are just about done.

Jim said he does have an announcement he could make. He said presently there is a much larger engineering firm, Stantec, in the process of acquiring Dufresne-Henry. Jim said it should be very good for everybody. He said even though they are a much bigger firm, the Commission should expect the same service or better from Dufresne-Henry going into the future as we are now. Rob asked if the company name will be changed and Jim said yes it will.

Sewer Operator Report

Seth said as far as the general operations of the plant, everything was fairly quiet. Flows at the plant are starting to decrease and they were within permit this month. Seth said there have been several problems over at Baxter Green. Seth said they did a pump down on a faulty secondary clarifier, there was a problem with one where the scraper arm stopped moving. Rich repaired it. Seth said they pumped down the clear well, cleaned and inspected it. He said they did find some sand so in another month or so they will pump it down again and see if they can get in to inspect the under drain system. He suspects it might be a crack or something from sand filter number 2. Seth said Rich Savarese did do a nice job on the swale repair, it came out really good. Chairman Allen Rundall asked Jim Fitzsimmons if he had been able to get in touch with Rich Rang of Toll Brothers. Jim said they spoke once and they just keep missing each other. Chairman Allen Rundall asked Jim to keep up with that.

New Business

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve transfer from Escrow Acct. #15004203347239 to O&M MMA#15004203346918 for \$25.00 for legal fees paid for Baxter Green. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve adjustment of \$397.15 for sewer customer account #039. Due to a faulty water softener discussed and tabled at the January 12th meeting. REF#123
Carol asked what was the reason for this, she didn't have the correspondence with her. Chairman Allen Rundall explained there was a problem with the water softener. Carol said she didn't want to approve this because there is no explanation to where the water went. Four in favor, Carol Reynolds opposed, motion carried.

MOVED by Robert Liffland, SECONDED by Wayne Osborn to approve an adjustment of \$27.35 penalty for sewer acct. #724 due to the husband has been getting radiation and the wife is trying to keep up with things. All were in favor and motion carried.

Chairman Allen Rundall said last month the Commission received a letter from the residents at 21 Coulter Ave. asking for an adjustment on their sewer bill because the house is vacant. Chairman Allen Rundall said he was asked to do some investigation. He said in doing so he discovered that this residence is not hooked up to the sewer system. Tracy said we can only credit what they paid in operation and maintenance within this fiscal year, which would be three quarters.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve a credit of the operation and maintenance paid in this fiscal year. All were in favor and motion carried. Robert Liffland said it is in the law that they have to connect into the system. Chairman Allen Rundall said when they send a letter to the resident explaining what the Commission has done they should be told that the Commission will give them one year to hook into the sewer without having to pay the \$500 hook up fee. The members agreed.

MOVED by Tracy Durkin, SECONDED by Robert Liffland to write a letter telling them they are required to hook into the sewer system within one year of notice, during which time the Commission will waive the \$500 hook up fee. Chairman Allen Rundall said he wants the letter to indicate that this was brought to the Commissions attention that they were not connected. All were in favor and motion carried.

Chairman Allen Rundall said in reviewing Stone Hill Developers records, they have already paid the \$3,000 fee to the Sewer Commission. He said it appears there is some discrepancy in their wording. Chairman Allen Rundall said the tenancy agreement they have was in 2002 and at that time they paid a \$500 application fee. He explained how the fees Stone Hill paid was to bring the lateral onto the property. They did that and it was inspected by the Village and the engineers. Chairman Allen Rundall said he feels that all bases were covered and there should be no additional fees charged. He asked the members for their view points. Robert Liffland said he agrees. He asked if both buildings are both on the same parcel, does that mean they have to pay \$3,000 for each building. Tracy asked if the little house is connected to the sewer now. Chairman Allen Rundall said it appears they aren't. Linda said no. Rob said they did a dye test today and nothing came through the manhole but the map they supplied shows the line going right to the building. David Wise is looking through the code. He's not sure how that is.

MOVED by Chairman Allen Rundall, SECONDED by Robert Liffland to table the fee decision until the attorney can review the laws and bring back recommendation at our next sewer meeting. All were in favor and motion carried.

Chairman Allen Rundall said the next thing on the Agenda is Baxter Green. He said both the developer and the engineer is here tonight and they would like to speak to the Sewer Commission about the problems at the Baxter Green pump station. Chairman Allen Rundall said they put in a temporary submersible pump so that they could have a working pump there for the people

Joe Zarecki made a presentation on the Baxter Green pump station. He spent a few minutes going over the history of the project and the pump. He said the original pump he wanted, the Commissions engineers didn't want so that cost money to change that. All of the problems they've had have cost them so much money and they feel that all of the burden shouldn't be placed on the developer. Stuart Berelson spoke on his financial burden and said he just couldn't continue this way.

Stuart said that he spoke to one of the attorneys at his firm and he said the Commission can legally help financially.

Robert Liffland said that his opinion is that the submersible pumps will be better in the long run for the future. He said as far as the money part of it the Commission needs to rely on the attorney to advise them on what they can do.

David Wise said he has recommended that the Commission not contribute to this. He said Mr. Berelson said there are some things he wants Dave to consider. Dave said he'll be happy to but beyond that he doesn't think this is the appropriate forum to engage in any sort of negotiation of any sort.

Chairman Allen Rundall said he has to agree with Rob, he is not happy with the vacuum pump system and that at some point the Commission does have to take this pumping station over. He said that all of the recommendations say the pump should work but he is not happy with should. He said he wants a report that says it will work.

Chairman Allen Rundall said a submersible pump will work. He said as far as the maintenance of the pump is concerned, he has not seen a competent qualified operator performing any kind of maintenance to the pump, so there has been no maintenance and there for you'll have major problems. Chairman Allen Rundall said he hopes that the Commission and the attorney can work favorable with each other so this problem can get resolved.

Tracy said she agrees with the attorney and not negotiate tonight. She said obviously something does need to be done at this time. She said she hopes the Commission can work with the developer to find a suitable pump. Tracy said she will reserve her comments about the blame that is being cast at the Commission at this moment.

Carol Reynolds said she agrees with the attorney and that a contract is a contract. She said the attorney is the best person to work out the details. Carol said she also refers to some of the things Tracy said in that all of the blame isn't all that it is being presented. Carol said it looks to her that there had been design flaws from the get go and the tax payers shouldn't have to pay for that. She said she wants that clear.

Chairman Allen Rundall said he would like to discuss this further in executive session. Seth said he would just like to see that if they go with a submersible pump, if they could go with a brand that the Commission has now for repair, maintenance and inventory purposes.

Stuart Berelson spoke again wanting the Commission to know how sincere he is.

Joe Zarecki and Stuart Berelson left thanking the Commission for their time.

Jim said some clarifications are necessary to the history that Joe Zarecki went through. First, he said that his understanding is that at the planning board stage the developer was told that the engineer and the operators showed preference to a vacuum primed pump station. The developer already had a submersible pump station drawn and they therefore proposed to put a note on the drawings committing to designing and providing a wet well mounted station. Jim said from the summary Joe gave he made it sound like he had a submersible station approved by the Commission consultants, which wasn't the case. Joe requested and the planning board agreed to get past the planning board stage and to provide an acceptable station design prior to construction as a condition of approval.

Chairman Allen Rundall said he doesn't want to get into who did what, he just wants to move forward from today, resolve the problem that's there.

Carol Reynolds said she thinks, if she's understanding it correctly, what Jim is saying is a lot of the blame and a lot of the problems Baxter Green has been putting on the Commission is not the Commissions problem, that it was caused by Baxter Green. She asked Jim if her understanding is correct. Jim said yes, if the pump station was put in as it was designed with elevations and it was maintained regularly, it would be functioning today. Jim said the regular maintenance isn't excessive. He said it's a lot now because all they are doing is responding to problems and then by then it's too late. Jim said he's not saying the Commission shouldn't switch to submersible if that is what they feel more comfortable with, he said he just wanted to make clear that there is no reason why this pump station shouldn't be working.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to close the meeting and adjourn to go into executive session. All were in favor and motion carried.
Time: 8:35 p.m.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to open the regular meeting.
Time: 9:14 p.m. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Carol Reynolds to authorize the attorney to draft a letter to Baxter Green asking them for \$6,000 to replenish the escrow account. All were in favor and motion carried.

Carol Reynolds said she wants action taken on this matter. She doesn't feel the tax payers should have to pay for this.

Dave will consider what Stuart Berelsons attorney has that says the Commission can pay some of the expenses and will make his recommendations and let Chairman Allen Rundall know. Chairman Allen Rundall will then poll the board.

MOVED by Tracy Durkin, SECONDED by Carol Reynolds to close the meeting and adjourn. All were in favor and motion carried.
Time: 9:30 p.m.

Wayne Osborn, Secretary