

Date of Meeting: May 11, 2006  
Kind of Meeting: Business  
Place of Meeting: Village Hall  
Members Present: Chairman Robert Murphy  
Tracy Durkin  
Robert Liffland  
Wayne Osborn  
Allen Rundall  
Mike Montemarano

Others Present: Jim Fitzsimmons of Stantec  
Seth Sheridan Environmental Consultants  
Rich Kane of Environmental Consultants  
David Wise of Gellert & Klein

At 7:00 p.m. the regular business meeting of the Pawling Joint Sewer Commission was called to order by Chairman Robert Murphy with the Pledge of Allegiance.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to accept the minutes of the April 13, 2006 organizational meeting as presented. All were in favor and motion carried.

MOVED by Allen Rundall, SECONDED by Wayne Osborn to accept the minutes of April 13, 2006 regular business meeting as presented. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to accept the treasurer's report of April 1, 2006 through April 30, 2006 as presented. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve the April, 2006 vouchers and the May, 2006 prepaid vouchers as presented. All were in favor and motion carried.

MOVED by Allen Rundall, SECONDED by Robert Liffland to accept the Correspondence Log of May 5, 2006 as presented. All were in favor and motion carried.

## **Old Business**

### **Attorney Report**

Dave Wise said he hasn't heard anything concerning Baxter Green about the pump station. Dave reiterated that the pump station is solely Baxter Greens responsibility to maintain.

### **Engineers Report**

Jim said all the permitting is done and the manhole repairs can move forward fairly quickly once the Commission has the insurance required by Metro North in place. Chairman Robert Murphy said that is on the agenda for approval under the new business. Chairman Robert Murphy asked Jim what the time line would be once the insurance is approved tonight. Jim said they would start work within a month. Jim said that because the Commission will have the permit and insurance for a while, they might want to see if one of the contractors will do a cleaning and TV of all the lines that are in that realm covered by the permit. Chairman Robert Murphy asked Jim if he could get a cost. Jim said he'll do that.

Robert Liffland said the line at Bruggemann's on West Main St. was changed. In the process they found a leak going through the manhole. Rich Kane said that was fixed. Chairman Robert Murphy asked Jim to go over the revised buyback period for the heating evaluation at the plant. REF#172 Jim went over the report stating that the buyback period is still on the long side. Chairman Robert Murphy asked if he was understanding it correctly; that the pump station would cost \$11,000 and then \$28,000 for the operations building, \$15,000 for the chlorine and \$8,000 for the filter. Jim said that is correct. Chairman Robert Murphy asked if there is grant money available for the construction considering the energy savings. Jim said he thinks there is but he hasn't researched to see what programs they have active right now. He said he'll check into it.

### **Sewer Operator Report**

Seth went over his monthly report. REF#176

He said they did some inspections of the manholes along the railroad tracks for Dufresne-Henry just to clarify some things. Seth said there was a safety audit and pretty much all of the items on the list have been addressed except for the fire locker which they are working on obtaining with the village highway dept. because they are so expensive. Seth said the only thing they have down at the plant that they need that locker for is a five gallon can of gas. They could keep it at the garage until they need it. They don't have to spend money on an expensive fire locker if they can't get one through Doug. Chairman Robert Murphy said they'll give it a month, if one doesn't come through from Doug then they will just update the report and send it.

## **New Business**

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve adjustment of \$36.42 penalty charge to sewer customer account #443A. All were in favor and motion carried.

Chairman Robert Murphy said the bond was sold and the interest rate was a little bit more than they anticipated. It was 4.79% for a fifteen year.

MOVED by Allen Rundall, SECONDED by Mike Montemarano to approve the purchase of liability insurance for \$2,500.00 that Metro North required the Commission have in order to do the manhole repairs on their property. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve transfer from Escrow MMA#15004203347239 to O&M MMA#15004203346918 for \$300.00 for Stone Hill Developer legal fees paid. All were in favor and motion carried.

### **Discussion: Tom Bruggemann**

Chairman Robert Murphy asked Dave Wise if he could please go over the letter he wrote pertaining to Tom Bruggemann. REF#171

Dave explained to the members that they have the latitude to waive interest and penalty fees. He said there is no statutory guidance which says they can be waived under these circumstances but not other circumstances. Dave said he thinks it's a matter of public policy since any waiver will be made part of public record, he strongly urges the Commission to consider waivers only for some particular hardship which was brought to the Commission's attention or some insinuating circumstances which affected the tax payer. Dave said Mr. Bruggemann certainly did not present any such circumstance. There was some discussion on the notes Tom Bruggemann gave to Robert Liffland in the afternoon. Allen Rundall went over some history on the collection of water and sewer arrears and how the county collects now. Chairman Robert Murphy said all of this is very confusing and putting all of this to the side he wanted the members to discuss, for the sake of argument, that Mr. Bruggemann does owe all the money, how does the Commission feel about giving him a break, no break or partial break? Chairman Robert Murphy asked if Mr. Bruggemann proved hardship. Dave said legally the Commission can do it but where he's coming from when he says hardship is as he recalls, Mr. Bruggemann's explanation last month when he was asked point blank by one of the members, he kind of sheepishly looked down and said he knew the taxes were unpaid, but he just didn't have the money at the time. Dave said it didn't sound like he didn't have the money because of an unforeseen illness, that type of thing. Dave said when he says hardship, he means something that is more out of Mr. Bruggemann's control, like unforeseen medical bills, or he lost his job, something like that, not just that he didn't budget the money for it. Dave said he didn't hear anything that makes him feel real comfortable with having a public body give a monetary break.

Chairman Robert Murphy said he wonders why the title insurance didn't pick these outstanding taxes up. He said Mr. Bruggemann said he had title insurance and that is who he should be going after.

Robert Liffland asked what is the recourse the Commission can take to collect the money. Dave said normally these things don't go this long. He said he doesn't have a fast answer for him because he's never seen a tax sale certificate this old. Dave said he would like to look the certificate over and find out more about it. He said all he has there is a copy with writing all over it.

Chairman Robert Murphy said Mr. Bruggemann came to them originally for the charges that when he called they were already sent to the county but then when he called the county they hadn't gotten there yet so at the time of closing, he was unaware of those taxes. It was just today that they received the information from Mr. Bruggemann about the tax sale certificate.

Chairman Robert Murphy said this brings up the subject again about the title insurance. He said he is not necessarily opposed to working with Mr. Bruggemann but he's just wondering if he should be looking elsewhere to get the credit.

Linda said Mr. Bruggemann did not have title insurance; Bob Marvin's office did the search.

Chairman Robert Murphy asked Dave to look into the certificate. Dave said he'll call the county and see what is what.

#### Discussion: Toll Brothers

Chairman Robert Murphy said Dufresne-Henry has submitted a preliminary report on the Toll Brothers subdivision. He said there are several options for transmission routes and also what needs to be done at the plant. Chairman Robert Murphy said he met with Ron Gainer, Jim Fitzsimmons and Kat from Stantec and they went over the report.

Jim Fitzsimmons handed a few draft copies out to the members to follow along with. Jim explained some items in the report. He explained that the best route for them to take would be straight out to Lakeside Dr.

Jim also explained some of the improvements they would need to make at the plant. He said the RBC's are really the limiting factor in the SPDES permit and explained how they can improve it and the cost associated with this is big.

Robert Liffland asked if the improvements in the report would be to fit Toll Brothers or would it be for other expansion also. Jim said it would provide capacity for other expansions also. It would double the capacity and the SPDES permit could be raised to .6. Right now it's at .2

Chairman Robert Murphy asked Jim if he could run down the costs. Jim said they are all tabulated on page 9 and he went over them. The total improvement cost to be at \$945,000. This price includes everything. He said on page 17 he put a little summery together on what the Commission has charged others and how much money they have in the bank for future capital projects.

There was some discussion on how Toll Brothers will be charged. Either by individual hook up fees like the Commission always did at closing or they can put that money all up front. Dave Wise said he'll look into that. He said the Poughkeepsie water plant is doing it that way, putting the money all up front.

Chairman Robert Murphy said the other thing about Toll Brothers is that they still owe the Commission money, about \$7,200. Allen said the last conversation he had with Rich Rang was he was asking to see the report first. Rob said his understanding was that Rich said he just wanted to know about plant expansion part of the report, not the distribution lines part of it. Chairman Robert Murphy said you can't really do one without the other. Tracy said she doesn't think he can hold back money based on the fact that you want to see the report. Rob said he'll call Rich Rang and tell him that he has to pay for the whole report, that the Commission is asking for \$10,000 for escrow. Jim said Rich was looking to see if he can get in before the expansion is complete at the plant. Jim said the expansion will be done long before he's ready to tie in.

Chairman Robert Murphy said it is really important that all the members be on the same page when dealing with Toll Brothers.

Commission Member Comments:

There were none.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to close the meeting and adjourn. All were in favor and motion carried. Time: 8:36 p.m.

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Tracy Durkin, Secretary