

Date of Meeting: June 8, 2006

Kind of Meeting: Business

Place of Meeting: Village Hall

Members Present: Chairman Robert Murphy
Robert Liffland
Wayne Osborn
Allen Rundall
Mike Montemarano

Members Absent: Tracy Durkin

Others Present: Seth Sheridan of Environmental Consultants
Rich Kane of Environmental Consultants
Steve Mance of Environmental Consultants

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 Robert Liffland, SECONDED by Allen Rundall to accept the minutes of the May 11, 2006 meeting as presented. All were in favor and motion carried.

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

MOVED by Robert Liffland, SECONDED by Allen Rundall to approve the May, 2006 vouchers and June, 2006 prepaid vouchers as presented. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Mike Montemarano to accept the Correspondence Log of June 2, 2006 as presented. All were in favor and motion carried.

Old Business

Attorney Report

No attorney was present. Chairman Robert Murphy asked if everyone got the correspondence Dave Wise sent about Bruggemann, (REF#185). He said Dave is going to talk with the comptroller about the Baxter Green issue and the Commission should be able to make a decision on that in July.

Engineers Report

Chairman Robert Murphy said the engineer sent along a report, (REF#187). He said on the first page it says the engineers recommend the Commission jet and TV manhole 13 through manhole 19. The engineers got a cost estimate of \$2,500 per day and is recommending the Commission go along with it.

MOVED by Allen Rundall to pay for whatever needs to be done to get the work done. And if the Commission can save some money doing it themselves than they should do so. Chairman Robert Murphy said they can authorize up to \$2,500 to do the TV and jetting and asked Seth to find out if it would be cheaper if the operators do the TV instead of paying the \$2,500 to have someone else do it. Allen said that wasn't his motion. He withdrew his motion.

MOVED by Robert Liffland, SECONDED by Allen Rundall to authorize the spending of up to \$2,500 to TV and jet the lines as the engineers recommended. All were in favor and motion carried.

Chairman Robert Murphy said he spoke to Jim Fitzsimmons today asking him to give a general overview of the collection system based on the preliminary Toll Brothers report. He said Castagna Development is interested in possibly hooking up to our sewer system. Jim will do some work on the issues of the main trunk line.

Robert Liffland asked if Toll Brothers paid the money that they owe the Commission. Chairman Robert Murphy said no and the Commission just got a letter from Rich Rang. He said Toll Brothers wants to sit down with the engineers and him to discuss the study and the cost of it.

Allen said it is his understanding that at the original meeting they had with Rich Rang, Toll Brothers asked if the plant is capable of handling the new development. Chairman Robert Murphy asked Allen if there was any cost estimate discussed. Allen said no. Linda said there is an agreement the Commission has with Toll Brothers and it says they are not supposed to let the escrow balance fall under \$1,000. Linda said they were notified when the balance was low. Rob said there has been correspondence with them and the lines of communication have been open and they have been aware of the situation all along.

Chairman Robert Murphy asked the Commission members what they would like him to do. Do they want to give Toll the report or wait until they are paid for it first? Rob said they should wait to get paid. He said that all of the things that the engineers did in the study, Toll would have needed eventually anyway. Chairman Robert Murphy asked the members what they thought and they all agreed that Chairman Robert Murphy should meet with Rich Rang and the engineers. Chairman Robert Murphy said he will call and set up the appointment.

Sewer Operator Report

Seth said the general operations of the facility are all normal. He said they repaired the manhole down on West Main St.

He said they did some repair work for the alarm systems.

Seth said basically things have been quiet.

He said they are getting a price from a welder to replace the 16 scrapers that are at the bottom of the clarifier. It was supposed to be faxed over today but Linda did not get it.

Seth said as far as the oil spill is concerned, they did a little synopsis of what happened and attached it to the monthly operations report. (Attach. I)

Seth went over the report. He said he was a little concerned about one, Pawling Corp. not having PJSC, the sewer plant or Environmental Consultants on any of the emergency response list's and two, there should be an immediate assessment if there was any potential effluent to the wastewater stream and again, prompt notification.

Sue Thompson brought a synopsis of what happened and past them out to the members. (Attach. II) She went over her report.

Allen asked why there is a sump pump pumping into the sewer lines. Chairman Robert Murphy said he doesn't think it should be, it's in the village code that sump pumps are not allowed. Rob Liffland said they are using the village water; it's not ground water like a regular sump pump. Its water they are using to clean down the boilers, there is no chemical or anything. Sue said that all of their storm water discharges are monitored by the DEC. Rob said he wanted to thank Pawling Corp. and Sue Thompson for their prompt response to the spill and taking responsibility for it. He said it is very generous of them to offer to paint or do whatever needs to be done at the plant. Chairman Robert Murphy said there is some additional charges from Environmental Consultants and the Commission would send a letter asking for reimbursement for that bill. Chairman Robert Murphy said he wants to echo what Rob said, that Pawling Corp. was right on top of things and took care of things promptly. Chairman Robert Murphy also wanted to thank Rich Kane for all of his efforts.

Seth said he recently went to a conference and NYCOM put on a presentation that gets into a lot of financing and fees that could be charged. He said he made a copy of what they were handing out and handed a copy to Linda for the Commission.

New Business

MOVED by Robert Liffland, SECONDED by Wayne Osborn to approve closing Capital Fund CD#31003916473083 with a balance of \$154,244.80. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Mike Montemarano to approve transfer of \$20,755.20 from Capital Fund MMA#15004203346926 to new CD. All were in favor and motion carried.

MOVED by Allen Rundall, SECONDED by Wayne Osborn to approve opening of new CD at \$175,000.00 for a term of 90 days at 4.92% with M&T Bank. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Mike Montemarano to approve transfer from Escrow MMA#315004203347239 to O&M MMA#15004203346918 for vouchers paid for Baxter Green. All were in favor and motion carried.

MOVED by Allen Rundall, SECONDED by Mike Montemarano to approve prepayment of voucher #97 for \$848.77 to Environmental Consultants for computer purchase. All were in favor and motion carried.

Discussion: Bruggemann

Chairman Robert Murphy asked all of the members if they received the latest letter from David Wise. REF#185

Allen asked Linda if Tom has made any attempt to pay anything yet. Linda said no. Chairman Robert Murphy asked Tom if he had a closing and if he put money into an escrow account.

Tom Bruggemann asked if he could speak to the Commission about his situation. He said he went to an attorney to try to close on the property and the taxes due were still up in the air. The attorney, Mr. Rothschild said he wanted to recalculate the amount due. The attorney did his research and came up with a different calculation in the amount of \$38,000 or \$39,000, whereas the village has a balance due of \$48,000. Chairman Robert Murphy said there was some discrepancy but they are more interested in coming to a decision on whether to grant relief or not, then they would deal with the amount.

Tom went on to explain that he feels he had an extenuating circumstance because there was \$17,863.06 in back taxes that he had to pay that he said he didn't know about at closing and it was a hardship on him and it set him back. He showed he had a receipt of payment of that \$17,000 from the levy year of 2001. Chairman Robert Murphy said these are the things that title insurance normally takes care of and that Tom should be going to them, they are the ones that made the mistake, not the village. Tom said this wasn't covered under his insurance.

Allen asked Tom if he acknowledges all of the taxes that are owed on this property. Tom said yes, he acknowledges and accepts it. Allen said he feels the attorney should let the Commission know exactly how much is owed, how much is penalty and then the Commission can come to some sort of agreement as to what to do. Allen asked Tom if the past two years of taxes have been paid. Tom said yes, he has the money in escrow and will be happy to pay immediately as soon as the village gives him a figure. Chairman Robert Murphy asked Tom who computed the tax numbers for him. Tom said it was Mr. Rothschild. Chairman Robert Murphy asked Tom to please have those computations faxed over to the office so they could review the numbers.

Chairman Robert Murphy told the board that he is not in favor of giving Tom any kind of relief. He said he doesn't feel comfortable and he doesn't feel there is any overriding reason for it. Chairman Robert Murphy said this can be tabled until next month if the members want to do that, but he feels there is nothing to indicate an extenuating circumstance. He said originally he was more than willing to work with him but he has found this to be much too convoluted and he has really sensed that Tom's story has changed too many times.

Chairman Robert Murphy said he feels this is not the village's responsibility; it is Tom's title insurance or his attorney's responsibility. He said he doesn't see why they should expend money owed to the village because of someone else's mistake.

Chairman Robert Murphy said what they need to do now is come up with the correct figures on what exactly is owed, and then if the Commission decides to give a credit they can base it on the correct amount of taxes owed. Allen said he would like the amounts owed broken down between taxes, water, sewer and penalty to each. Chairman Robert Murphy said it will have to be because they can only credit penalty and interest, they can not credit taxes due. Robert Liffland asked if it would be necessary to ask Bob Marvin to see his comments. Chairman Robert Murphy said that if Bob Marvin has anything that he can relate to him or Dave Wise he can call the office. He said if he could send something over in writing that would be best. Chairman Robert Murphy said Tom would have to contact Bob Marvin and ask him to do this. Tom said he'll call Bob Marvin tomorrow.

Commission Member Comments:

Wayne Osborn said that Doug Warren was contacted today by a magazine called Superintendents of New York State and he is going to be profiled in the September or October issue.

Mike Montemarano asked about having some numbers relative to developers interested in hooking up to the system. Chairman Robert Murphy said the Commission has a plant expansion number and what they need now is a transmission line number and maybe some pump station improvements that may be necessary. The engineers are working on that now. There are some concerns with the main trunk line being over taxed. Then there are issues with coming up Route 22. This is all the things the engineers need to look at. Once the Commission has a total package, they can probably start to come up with some sort of total number. He said they do have to come up with a dollar amount for the developers interested in hooking up to the system.

MOVED by Robert Liffland, SECONDED by Allen Rundall to close the meeting and adjourn. All were in favor and motion carried. Time: 8:25 p.m.

Tracy Durkin, Secretary