

Date of Meeting: March 15, 2007

Kind of Meeting: Business

Place of Meeting: Village Hall

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

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 Allen Rundall, SECONDED by Tracy Durkin to accept the minutes of February 8, 2007 as presented. All were in favor and motion carried.

MOVED by Mike Montemarano, SECONDED by Tracy Durkin to accept the treasurer's report of February 1, 2007 through February 28, 2007 as presented. All were in favor and motion carried.

MOVED by Wayne Osborn, SECONDED by Tracy Durkin to approve the February, 2007 vouchers and the March, 2007 prepaid vouchers as presented. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to accept the Correspondence Log of March 8, 2007 as presented. All were in favor and motion carried.

Old Business

Attorney Report

There was no attorney present. Chairman Robert Murphy said the Commission has some recent correspondence from David Wise about Baxter Green. He said the correspondence from Dave is explaining that Stantec and Stuart Berelson reached an agreement and Stuart Berelson paid all of the money owed to Stantec as per that agreement and then Stuart Berelson paid the village what he owed them. However, the cover letter from Stuart Berelson didn't mention anything about when he will pay the Sewer Commission what he owes. The only mention in the letter is that Baxter Green will get the pump installed and then the village can take it over.

Chairman Robert Murphy said he asked Dave to contact Stuart Berelson to explain to him that Baxter Green needs to pay the money owed to the Sewer Commission and to fund the escrow account up to \$10,000 to cover any inspection and attorneys fees associated with the work to be done on the pump station and any legal fees that the Commission incurs having to do with turning over the pump station and the sewer lines.

Chairman Robert Murphy said he will also ask Dave to let Stuart Berelson know that he wants the sewer plant operators and the engineers to oversee the work on the pump station. He said he doesn't want any surprises after the work is done.

Engineering Report

There is no engineer present. Chairman Robert Murphy said they are having a pre-construction meeting with the contractor who is doing to manhole repair work on Tuesday. He said they are hoping to start the work by the end of the month.

Chairman Robert Murphy said he will let the engineers know that someone from Environmental Consultants would like to attend the preconstruction meeting. He said they can talk to the engineers about doing the manhole on Allison Dr. at the same time.

Sewer Operator Report

Seth said the flows at the plant are good. The vacuum hose line froze so they had to have the truck pump. It only happened this one time.

Seth said they had the meter checked again and the calibration was a little off.

Seth said they took the final sand filter apart. He said the arms still look very good.

Seth said he had a guy from US Filter come out and take a look at the sand filter to look at potential for automating the system. He said this way when they look forward at the plant expansion, there will be some idea's about that.

Seth asked the members if they were able to look at the electric refund sheet that he gave them last month. Steve said they called him the other day and let him know that if the Commission wants to get on for the summer they have to act quickly.

Steve said it doesn't cost anything and when he looked into it he didn't see anything wrong with it. If they decide not to do it there is no cost or penalty to say no once they are signed up.

Chairman Robert Murphy asked the members how they feel about it. Allen Rundall asked how often they run the generators now. Rich Kane said they run them now once a month for about 45 minutes to 1 hour. Steve said what they do is call you the day before and tell you what time they want you to shut the power off. They said they do not go over 4 hours.

MOVED by Robert Liffland, SECONDED by Allen Rundall to approve Environmental Consultants giving the contract to Chairman Robert Murphy for him to sign. All were in favor and motion carried.

New Business

Chairman Robert Murphy said all the members received a letter of request from Barbara Lanman and Deborah DeWinter in regards to the proposed hook up fee. REF#22
Barbara Lanman was present and Chairman Robert Murphy ask if she wanted to talk about her situation.

Barbara Lanman said when they started the bed and breakfast project , working on a budget plan and trying to get all of their numbers together on what it will cost, it was indicated that to hook up to the sewer would cost them about \$3,000 and they have been working on this for over a year now..

Barbara said in a recent discussion with Bob Murphy it came up that the cost would be \$9,000. Chairman Robert Murphy said there was a study done by the Commissions engineers that is upstairs and he recommends Barbara pick up a copy of it and take a look at it so she can see where the Commission is coming from. Chairman Robert Murphy said the Commission hasn't passed anything yet, it is the engineers recommendation. It is not \$9,000, the engineers gave a range, because there are variables, but they recommended that the Commissions new hook up fee be between \$6,000 and \$9,000.

Barbara said they are asking that the fee be left at \$3,000 because that is what they were told it would be in the beginning. She said they are trying to do a service for the community and this makes it very, very difficult for them, with their budget, to continue. Chairman Robert Murphy said being in the middle of a construction project, they probably understand more than anybody how prices change rapidly. He said the fee that was quoted a couple of years ago was quoted before the report was done. Barbara asked if the Commission hasn't decided yet on a set fee, how can they be charged. Chairman Robert Murphy said since the report, one thing they do know is that the \$3,000 fee simply wouldn't even cover any cost associated with any applicants portion of expansion at the plant. He said construction costs have gone up considerably over the last 10 or 15 years, that the \$3,000 fee is literally at least 10 to 15 years old. Barbara said why is the Commission punishing her for that. Chairman Robert Murphy said they're not punishing anybody, that the Commission is basically updating some of their fee structure given the fact that the plant is going to be facing expansion in the coming future with development. He said whether the development is 50 units or 1 unit, the cost of the expansion has to be apportioned evenly. Barbara asked Chairman Robert Murphy if he has a letter from the planning board. She said she hasn't seen the letter and asked Chairman Robert Murphy if he could read it to her.

Chairman Robert Murphy read the letter aloud. REF#23

Allen Rundall had to leave at this time.

Chairman Robert Murphy said it has always been the Commissions belief that any expansion the plant needs that is brought upon by anybody outside the original district has to be paid for by those users. He said the residents of the sewer district should not have to pay any increased taxes for anybody else coming in.

Chairman Robert Murphy said the engineers did a study, they identified the items at the plant that needed to be expanded, they did a background check on all the Commissions past hook up fees and factored in construction inflation and came up with that range. He said Barbara was quoted a price because the report wasn't generated at that time. At the time they were quoted, it was a \$3,000 hook up fee, the Commission couldn't have told them anything else because they had no hard data from the engineers about what a new fee structure would be.

Barbara asked when will the Commission have a firm fee amount and how does she know by the time she hooks up it won't go up to \$12,000. Chairman Robert Murphy said it won't be \$12,000. It is going to be somewhere between \$6,000 and \$9,000, it is something the board needs to discuss.

Chairman Robert Murphy said one thing Barbara needs to understand is the Commission has to look at it from the standpoint of not only the bed & breakfast, because what the Commission charges them, other than inflation, they have to have a real compelling reason not to charge the other developers that come in behind them the \$3,000. He said the Commission has currently, not only the bed & breakfast but also the development that is right around them, Toll Brothers and then a couple of commercial properties that are interested. It can be substantial.

Chairman Robert Murphy said he will apologize because he probably should have notified them when the report came out that the fee will be increased. He said he did speak with the Commissions attorney and asked him to draft something to them as to how the Commission is constrained. He said that the attorney did say that if Barbara wants her engineers to review the study and feel that the Commissions engineer calculations are incorrect, they are free to do so.

Barbara asked if she had any recourse. Chairman Robert Murphy said he didn't know, that is something she will have to ask her attorney. He said that his understanding of what the attorney told him is they have to charge them the rate between \$6,000 - \$9,000 because the report was generated.

Chairman Robert Murphy said that Robert Liffland brought up the fact that the Commission never formally passed the increase and the fees are usually established during contract negotiations. Chairman Robert Murphy said he'll check with the attorney on this. Barbara said she is struggling to understand because the Commission doesn't even have a fee set yet and they don't have anything to show her in writing. Chairman Robert Murphy said the Commission does have it in writing, they have the study. Barbara asked if the Commission has to put this into law or something. Chairman Robert Murphy said he will discuss that with the attorney because that is basically what Rob brought up. Barbara asked if she gets her sewer ready to hook up, is she not going to be able to go forward until the fees are established. Chairman Robert Murphy said that is correct. He said the tenancy agreement needs to have those fees in there. He said John Kalin called him today and told him that he is changing the pump station to an individual pump instead of what they were going to do in the beginning with sharing the pump with Allison Close. All that information has to be put in the tenancy agreement. Chairman Robert Murphy said the Commissions attorney can't even begin to draw up an agreement until he has all of that information.

Chairman Robert Murphy opened the floor up to the board if they have anything to say. Nobody had anything to add. Chairman Robert Murphy asked Barbara if she had anymore questions. She didn't have any.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve the roll over of principal and interest of CD#31003916472671 to new CD for 30 days. All were in favor and motion carried.

MOVED by Mike Montemarano, SECONDED by Robert Liffland to approve bill adjustment for sewer customer #760 for \$221.19 as explained in REF#24. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Mike Montemarano to approve bill adjustment of \$42.81 for sewer customer acct. #849 due to hot water heater broke and water did not go into sewer system as explained in REF#25. All were in favor and motion carried.

Commission Member Comment:

There were none.

MOVED by Wayne Osborn, SECONDED by Tracy Durkin to close the meeting and adjourn. Time: 7:31 p.m. All were in favor and motion carried.

Tracy Durkin, Secretary