

Date of Meeting: June 19, 2008

Kind of Meeting: Special

Place of Meeting: Village Hall

Members Present: Robert Murphy, Chairman
Tracy Durkin
Wayne Osborn
Beth Coursen
Colette Zito

Members Absent: Robert Liffland

Consultants Present: David Wise of Gellert & Klein, P.C.

Others Present: Donna Frosco of Keane & Beane, P.C.
Jerry Schwalbe, Engineer for Castagna

At 6:00 p.m. a special meeting of the Pawling Joint Sewer Commission was called to order by Chairman Robert Murphy with the Pledge of Allegiance.

Chairman Robert Murphy asked Dave Wise to give everybody a quick update and overview. Dave said he circulated to all of the Commission members the draft's of the tenancy agreement which was discussed at length between he and counsel for Castagna. He said to the board, they should have in front of them, version two of 6/19/08 which is the proposed final agreement. Dave said there was one small change since the 6/18/08 agreement and that was just an amendment to reflect the CPI index.

Dave said there also has been some discussion along the way about SEQRA and he is not an expert in that area but a partner of his is very good at it and knows it well and that is Scott Volkman. Dave said Keane & Beane, who is the attorney for Castagna, has an attorney who is very well versed in SEQRA and the two of them have proposed that the signing of this agreement, they both believe is a Type II action. However, they both believe that the most conservative measure and the safest measure would be to declare it an Unlisted Action and then have a short environmental assessment form, which Castagna's counsel has brought tonight. Dave said on recommendation of both counsel, he believes that this is the best way to proceed. Dave said to the members that in front of them is two proposed resolutions; one with respect to the execution of the Sewer Tenancy and Capacity Reservation Agreement and then a second resolution with respect to the declaration of the agreement as an Unlisted Action and further a declaration that there's no environmental impact, and then approval to sign the environmental assessment form.

Chairman Robert Murphy asked if anybody has any questions about the Tenancy Agreement or the SEQRA.

Beth asked if there are copies of the Environmental Assessment Form (EAF) so the board can look it over before they do the resolution. Donna Frosco had some and they were handed out to each of the board members.

Beth said, on line 10, by checking yes and slightly changing the verbiage to the potential for local funding shouldn't change the resolution. Donna Frosco said the action is adopting the agreement; there is nothing about adopting an agreement that would involve any funding or permits. She said the action is simply for the adoption of the agreement.

Chairman Robert Murphy asked if there are any other questions or comments.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to accept the Tenancy Agreement. Donna Frosco said the issue of the SEQRA should be addressed before adoption of the Tenancy Agreement.

The resolution went as follows:

At a Special Meeting of the Pawling Joint Sewer Commission held at Village Hall, 9 Memorial Ave., Pawling, New York, on the 19th day of June, 2008 at 6:00 p.m.

The meeting was called to order by Chairman Robert Murphy and the following were:

P R E S E N T :

Robert Murphy, Chairman
Beth Coursen
Tracy Durkin
Wayne Osborn
Colette Zito

A B S E N T :

Robert Liffland

The following Resolution was proposed by Commissioner Beth Coursen, who moved its adoption, and seconded by Commissioner Tracy Durkin,

WHEREAS, the Pawling Joint Sewer Commission (“Commission”) has identified the adoption of the proposed Sewer Tenancy And Capacity Reservation Agreement with JUCCA Company (“the Proposed Action”) as an “Unlisted Action” under the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Commission, acting as Lead Agency, has determined that there are no other interested or involved agencies under SEQRA with relation to the Proposed Action; and

WHEREAS, the Commission, acting as Lead Agency, has reviewed the short form Environmental Assessment Form (“EAF”) submitted by JUCCA Company; and

WHEREAS, the Commission, pursuant to Section 617.7(b) of SEQRA, has considered the EAF and the criteria contained in sub-division C of Section 617.7 and has determined that the Proposed Action will not result in any significant adverse environmental impacts.

NOW THEREFORE, BE IT RESOLVED, that the Commission, as Lead Agency, finds the Proposed Action will have no adverse environmental impact; and

BE IT FURTHER RESOLVED, that the Commission Chairman is authorized to execute the EAF submitted by JUCCA Company.

The question of the foregoing Resolution was duly put to a vote, which resulted as follows:

	<u>Aye</u>	<u>Nay</u>
Robert Murphy, Chairman	√	
Beth Coursen	√	
Tracy Durkin	√	
Wayne Osborn	√	
Colette Zito	√	

I hereby certify that the above is a true and correct copy of the Resolution passed by the Pawling Joint Sewer Commission at a regular meeting held on June 19, 2008.

Dated: June 19, 2008

LINDA MURRAY, Secretary

At a Special Meeting of the Pawling Joint Sewer Commission held at Village Hall, 9 Memorial Ave., Pawling, New York, on the 19th day of June, 2008 at 6:00 pm.

The meeting was called to order by Chairman Robert Murphy and the following were:

P R E S E N T :

Robert Murphy, Chairman
Beth Coursen
Tracy Durkin
Wayne Osborn
Colette Zito

A B S E N T :

Robert Liffland

The following Resolution was proposed by Commissioner Beth Coursen, who moved its adoption, and seconded by Commissioner Wayne Osborn,

WHEREAS, JUCCA Company (“Tenant”) is the fee owner of approximately 196.5 acres in the Town of Pawling (“Town”), which property is listed on the tax map of the Town as parcels 11-7056-00-668008 and part of 11-7056-00-611351; and

WHEREAS, the Tenant's premises are outside the confines of any sewer district in the Town or Village of Pawling; and

WHEREAS, the Tenant wishes to secure a method of treating sewage that will emanate from such premises by connection of same to the sewer treatment system maintained and administered by the Pawling Joint Sewer Commission (“Commission”); and

WHEREAS, the Commission is willing to provide the Tenant with a method of treating sewage that will emanate from Tenant=s premises pursuant to the terms and conditions set forth in a Sewer Tenancy Agreement negotiated between the parties.

NOW THEREFORE, BE IT RESOLVED, that the Commission shall enter into a Sewer Tenancy Agreement with Tenant to secure a method of treating sewage that will emanate from the Tenant's premises; and

BE IT FURTHER RESOLVED, that the Commission Chairman is authorized to execute the Sewer Tenancy Agreement in the form attached to this Resolution.

The question of the foregoing Resolution was duly put to a roll call vote, which resulted as follows:

	<u>Aye</u>	<u>Nay</u>
Robert Murphy, Chairman	√	
Beth Coursen	√	
Tracy Durkin	√	
Wayne Osborn	√	
Colette Zito	√	

I hereby certify that the above is a true and correct copy of the Resolution passed by the Pawling Joint Sewer Commission at a regular meeting held on June 19, 2008.

Dated: June 19, 2008

LINDA MURRAY, Secretary

Chairman Robert Murphy said he wanted to state for the record that Mayor Liffland was sorry he couldn't be here but he did indicate he was in favor of the Sewer Tenancy Agreement being approved.

MOVED by Tracy Durkin, SECONDED by Beth Coursen to close the meeting and adjourn. Time: 6:10 p.m. All were in favor and motion carried.

Colette Zito, Secretary