

Date of Meeting: September 11, 2008

Kind of Meeting: Business

Place of Meeting: Village Hall

Members Present: Robert Murphy, Chairman
Tracy Durkin
Robert Liffland
Mike Mayer for Beth Coursen
Wayne Osborn
Colette Zito

Consultants Present: Seth Sheraden of Environmental Consultants
Steve Mance of Environmental Consultants
Rich Kane of Environmental Consultants
David Wise of Gellert & Klein

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

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 and moment of silence.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve the minutes of August 10, 2008 as presented. All were in favor and motion carried.

MOVED by Wayne Osborn, SECONDED by Tracy Durkin to approve the Treasurers Report for August 1, 2008 through August 31, 2008 as presented. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve payment of the August, 2008 vouchers and the September, 2008 prepaid vouchers as presented. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve the Correspondence Log of September 5, 2008 as presented. All were in favor and motion carried.

Consultants: Business/Reports

Attorney Report

Dave said all he has for tonight is on the agenda under the new business.

Engineer Report

Chairman Robert Murphy said Jim Fitzsimmons just sent over a quick email letting him know that Delco is going to be back at the plant on Tuesday to finish up the VFD project.

Sewer Operator Report

Seth Sheridan said all of the general operations are good at the plant.

Seth went over his monthly report.

Seth said they were able to do some more TV work on East Main St. last night and they noticed on one section, by the old AG, that the sewer pipe is actually broken on the top of the pipe. He said they will want to investigate this further.

Seth said Rich ordered some more inserts and that seems to be working good.

Seth said on their observation, Rich found several man holes that need new metal rings at the top. Seth said Rich already talked to Doug Warren and pending approval Doug will work with Rich on these man holes. Rich said there is about nine man holes that need the metal rings. He said there are a few really bad ones over on Smith St. where the old block is falling down into the man hole and definitely needs some repair. He said he'll get prices on that.

Seth said they have been towing around the portable generator for the pump stations for the power for the camera and it's extremely cumbersome. He said a smaller portable generator would be much easier. Seth said Steve Mance went on line today and from Northern Tool and Equipment they can get a 3,500 watt generator for \$350.00 and then with shipment and everything it will come to about \$500.00. Rob Liffland asked if they are comfortable with that brand. Steve said he did just quickly look at it and that he can do more investigation if they want. He said Rich has a bunch of other options also but it was a little more expensive at around \$800.00. Tracy asked if they will find uses for this generator after the TV of the lines are done. Seth said yes, the TV of the lines is kind of an ongoing thing and they will also have it to use at night time with lights and things like that. Rob said one of points that he likes about a generator is they have a safety where it shuts off if the oil gets low. He asked Steve if this generator has that feature. Steve said he will do a little more investigation on it.

Seth said they also are ordering some gear for the guys going down into the man holes such as suits and masks.

Seth said on the alarming, there was a comment written on the bills that if the bill isn't paid they will come take all of their equipment out on Sept. 15. Linda told Seth that Dominic called about the invoices today. Seth said there have been some charges on the invoices that they didn't understand and they weren't getting satisfactory answers for, so some of the bill was not approved. He said he talked to a couple of other security company's and he just received some prices today. He said he still has to clarify some things with them. He said Hammond looks good but he has to get some clarification on the monitoring price. Mike Mayor asked if the transmitter is by telephone line or radio frequency. Seth said it's by radio frequency.

Chairman Robert Murphy asked Seth to try to get those quotes to the Commission as soon as possible. Seth said as soon as he gets some clarification he'll get them to Linda.

Rich said he spoke with Stantec about the splitter boxes at the diversion chamber and they said they'll come to the plant next week to go over the numbers and pick a weir that they will put in.

Colette asked for some clarification on the comment on the monthly report about the feed line that broke on Aug. 20th. Seth said it's just a 1/4" poly tubing and it gets a little brittle after wear and tear. He said it's the only chlorine feed they have, that this can't happen anywhere else. Colette asked if there is any preventative maintenance they can do to prevent this from happening. Seth said the tubing is not expensive and they can put it on the maintenance list.

Rob asked Seth if his company supplies him with any air fans and harnesses and things like that. Seth said they do have ventilation equipment. Rob said that it is important to have that gear and to please make sure they use it because he doesn't want to see any body get hurt.

New Business

Chairman Robert Murphy told David Wise he could do the agreement now.

Dave said that as part of their meeting package, he distributed a new Tenancy and Capacity Reservation agreement with Jucca. He said there was an agreement passed months ago and there has been some litigation which is ensued in conjunction with that passage. Dave said there are three changes in this new agreement. The most critical is a recitation of the parties intention, consistent with the conversations throughout the negotiations in which is the dedication of ownership of the lines will eventually be going to the Town. Dave said that point, which was always in the parties understanding was not included in the first agreement and they're taking this opportunity to memorialize it.

Dave said he'll go over the changes in chronological order starting on the second page of the agreement paragraph number one and in the third sentence that which ends with a semicolon, he read; "the terms and conditions under which the service connection to the system will be allowed for development of the property as follows", this sentence has been shortened from the original agreement in which it was for phase one. Dave said the reason it was done is this new language will allow a potential change from the use of the medical office building which is currently approved that the right on the part of the developer to change that building has been granted so this change reflects that possibility.

Dave said the second change he wants to point out is in paragraph 1.B. He said it's at the bottom of this page and continues onto the next page. He said it's a sentence which reads; "All lines constructed from the connection point to the property shall be dedicated to the town upon completion of development of the property." He said that sentence memorializes the eventual dedication of ownership.

Chairman Robert Murphy asked if the sentence should have the town and village since a small portion of the lines will be in the village.

Dave said he can insert that change by pen and get it initialed by the parties. He said they will change the sentence to “All lines constructed from the connection point to the property shall be dedicated to the town or the village respectively upon completion of development of the property.”

Dave said the third change is in paragraph three on the fifth page. He said formally there had been a sentence in this paragraph which provide for approval of the completed lines to be made by the Sewer Commissions engineer and actually the completed lines and approval for that will be done by the towns engineer through the planning board process, so that was removed from the agreement. Dave said as everyone knows the Sewer Commissions engineers and the town engineers are one in the same, but the coverage of that responsibility in respect to the engineer approval began through the planning board process. Dave said those three items that he just covered represent all the changes to the agreement. Donna Frosco of Keane & Beane, P.C. suggested the change they are going to write in say “town and village as appropriate”.

Dave said there also is the Short Environmental Assessment Form which was executed last time in connection with the original agreement. He said he brought a resolution for that too.

Dave said if there are no other comments or questions they can go ahead with the resolutions doing the SEQRA first.

Resolutions follow and are inserted into the minutes as pages 5,6,7 and 8.

At a Meeting of the Pawling Joint Sewer Commission held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 11th day of September, 2008, at 7:00 PM.

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

P R E S E N T :

A B S E N T :

Robert Murphy, Chairman

~~Beth Courson~~ *Mike Mayo*

Tracy Durkin

Robert Liffland

Wayne Osborn

Colette Zito

The following Resolution was proposed by Commissioner *Durkin*, who moved its adoption, and seconded by Commissioner *Liffland*,

WHEREAS, the Pawling Joint Sewer Commission ("the Commission") has identified the adoption of the proposed Amended 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 in the form attached to this Resolution.

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 Cousen <i>Mike Mayor</i>	✓	
Tracy Durkin	✓	
Robert Liffland	✓	
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 September 11, 2008.

Dated: September 11, 2008


LINDA MURRAY, Secretary

At a Meeting of the Pawling Joint Sewer
Commission held at Village Hall, 9 Memorial
Avenue, Pawling, New York, on the 11th day of
September, 2008, at 7:00 PM.

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

P R E S E N T :

A B S E N T :

Robert Murphy, Chairman
~~Beth Courson~~ *Mike Mayor*
Tracy Durkin
Robert Liffland
Wayne Osborn
Colette Zito

The following Resolution was proposed by Commissioner *Durkin*, who moved its
adoption, and seconded by Commissioner *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 an

Amended Sewer Tenancy and Capacity Reservation 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 Amended Sewer Tenancy and Capacity Reservation 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 Courson Mike Major	✓	
Tracy Durkin	✓	
Robert Liffland	✓	
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 September 11, 2008.

Dated: September 11, 2008


LINDA MURRAY, Secretary

Chairman Robert Murphy asked Dave if he wants to deal with the Stantec Master Services Agreement. REF#219

Dave said he reviewed it and had a couple of concerns that Stantec changed. He said it had to do with some limitation/liability language which was not acceptable. There were three items removed from the agreement.

MOVED by Tracy Durkin, SECONDED by Mike Mayer to approve the Stantec Master Services Agreement as presented and approved by the attorney. Rob Liffland asked what exactly does this agreement mean. Dave said it is for individual task orders, when you want the engineers to do a particular project it gets a task order number. Rob asked if the Commission had to do this last year. Chairman Robert Murphy said yes, they started having to do this when they became Stantec. All were in favor and motion carried.

Chairman Robert Murphy said next is the RFP for the Baxter Green pump station. REF#217 Colette said she did not get one in her box.

Dave said he reviewed the RFP and it's acceptable and ready to go.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve the RFP but the times of advertisement have not been filled in. Dave said that will be filled in on the original when they post it. Five were in favor, Colette Zito abstained. Motion carried.

Chairman Robert Murphy said the last item on the agenda is the escrow money the Commission has left over from Stone Hill. He said it is \$430.97 and the project has been done for quite a while.

MOVED by Tracy Durkin, SECONDED by Mike Mayer to approve the return of \$430.97 escrow money to Stone Hill Developers. All were in favor and motion carried.

Chairman Robert Murphy asked if there are any Commission member comments. There were none.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to close the meeting and adjourn. Time: 7:32 p.m. All were in favor and motion carried.

Colette Zito, Secretary