

Date of Meeting: November 12, 2009

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: David Wise of Gellert & Klein
Seth Sheraden 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 with the Pledge of Allegiance.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to close the regular business meeting and open executive session to discuss ongoing litigation. All were in favor and motion carried. Time: 7:04 pm

MOVED by Tracy Durkin, SECONDED by Robert Liffland to close the executive session and open the regular business meeting. All were in favor and motion carried.
Time: 7:25 pm

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve the minutes of October 8, 2009 as presented. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve the Treasurer's Report of October 1, 2009 through October 31, 2009 as presented. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve payment of the October, 2009 vouchers as presented and the November, 2009 prepaid vouchers. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve the Correspondence Log of November 5, 2009 as presented. All were in favor and motion carried.

Consultants: Business/Reports

Attorney Report

Dave said he doesn't have anything other than what is under new business.

Engineering Report

Chairman Robert Murphy said he spoke with Jim Fitzsimmons today about the letter from the DEC in regards to the SPDES permit application saying they wanted some more information. Chairman Robert Murphy said that Jim said he'll turn it around pretty quick. Jim also told Chairman Robert Murphy that he's still waiting to hear back from the engineers for the school.

Chairman Robert Murphy said Jim also said he's been reviewing some of the work that was done on the lines and that things are looking pretty good but he hasn't had a chance to look at all of it.

Sewer Operator Report

Seth said the general operations of the plant are normal. Chairman Robert Murphy asked how was the sludge removal and Seth said they had a little more last month that it's just a seasonal thing.

Seth went over his monthly report.

Seth said on Tuesday Glen came in to find one of the RBC's wasn't running. Seth said he came out and when he looked into it he found that all of the fuses blown in the disconnect so they replaced that. Then when they turned the unit back on they had found that the gear box had gone on it. Seth said they replaced one a few years ago. He said he only has one price so far and should have another two tomorrow. Seth said the price on this quote is \$17,142.90 plus the delivery and only had one copy. He gave it to Linda.

Seth said he doesn't have much hope but there is a possibility that they might be able to use some of the old gear box that they took out a few years ago and some of the current one and out of two they can make one gear box by having it rebuilt.

Tracy asked Seth if the RBC is offline now and Seth said yes. Chairman Robert Murphy asked Seth if this needs to be done sooner than later. Seth said yes. Chairman Robert Murphy asked if the board would be comfortable with giving him the authorization to move ahead with the lowest bid. He asked Seth if he's going to get three bids. Seth said yes, he has one and he should have two more in a day or two.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to give authorization to Chairman Robert Murphy to move ahead forward and approve the lowest bid for a new gear box. All were in favor and motion carried.

New Business

Dave Wise said he has two resolutions for the Commission's consideration.

Dave read the first one and it went as follows:

At a Meeting of the Pawling Joint Sewer
Commission held at Village Hall, 9 Memorial
Avenue, Pawling, New York, on the 12th day of
November, 2009, 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 :


Robert Murphy, Chairman
Tracy Durkin
Robert Liffland
Wayne Osborn
Colette Zito

A B S E N T :

Beth Coursen

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 Amendment to Amended Sewer Tenancy and Capacity Reservation
Agreement with JUCCA Company ("the Proposed Action") as a "Type II Action" under the State
Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Commission, acting as Lead Agency, has determined that, as a Type II
Action under Section 617.5(c)²⁰(~~3~~) of the SEQRA regulations, the Proposed Action is not subject 
to review.

NOW THEREFORE, BE IT RESOLVED, that the Commission, as Lead Agency,
finds the Proposed Action is not subject to review under SEQRA.

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	✓	
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 November 12, 2009.

Dated: November 12, 2009


LINDA MURRAY, Secretary

Dave said the second resolution he has concerns the amendment, which is REF#372.
Dave read the resolution and it went as follows:

At a Meeting of the Pawling Joint Sewer Commission held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 12th day of November 2009, 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 :

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

A B S E N T :

Beth Coursen

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

WHEREAS, the Pawling Joint Sewer Commission ("the Commission") and JUCCA Company ("JUCCA") are parties to an Amended Sewer Tenancy and Capacity Reservation Agreement dated September 15, 2008 ("the Agreement"), by which sewer capacity has been reserved for JUCCA; and

WHEREAS, the Agreement provides for a time by which JUCCA is to dedicate ownership of sewer lines that it installs to the respective municipalities; and

WHEREAS, the parties desire to amend the Agreement with respect to the time for dedication of ownership of such lines; and

NOW THEREFORE, BE IT RESOLVED, that the Commission shall enter into the Amendment to Amended Sewer Tenancy and Capacity Reservation Agreement ("Amendment") in the form attached to this Resolution; and

BE IT FURTHER RESOLVED, that the Commission Chairman is authorized to execute the Amendment on behalf of the Commission.

The question of the foregoing Resolution was duly put to a vote, and was approved by a vote of 5-0.

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 November 12, 2009.

Dated: November 12, 2009


LINDA MURRAY, Secretary

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve transfer of \$817.50 from Castagna Escrow Account #15004214220515 to O&M MMA#15004219514608 for legal fees paid. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve transfer of \$1,113.00 from Capital Improvements MMA#15004203346926 to O&M MMA#15004219514608 for engineering fees associated with plant expansion. All were in favor and motion carried.

MOVED by Tracy Durkin, SECONDED by Wayne Osborn to approve transfer of \$270.00 from ESP Wexford Escrow MMA#15004217179503 to O&M MMA#15004219514608 for legal fees paid. All were in favor and motion carried.

Discussions:

MOVED by Tracy Durkin, SECONDED by Colette Zito to approve penalty waiver of \$82.74 to sewer acct.#096 as per requested in REF#364. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve adjustment of \$70.21 to sewer acct.#206 as requested in REF#368. All were in favor and motion carried.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to approve adjustment of \$79.39 to sewer acct.#707 as requested in REF#366. All were in favor and motion carried.

Chairman Robert Murphy said the next two requests we received, the reasons are on the agenda but the customers did not put their request in writing. Chairman Robert Murphy said he went ahead and put them on the agenda and wants to know how the board feels about approving requests without having something in writing. Rob asked if the customers called. Chairman Robert Murphy said yes, they spoke with Linda.

Tracy said especially like with the 4th request, she should provide some kind of documentation that proves that the payment was made, that the attempt to pay the bill was made. Colette said she doesn't think we should just accept a phone call.

Chairman Robert Murphy said if everybody feels comfortable with tabling these next two requests until next month, Linda can call them and ask them to send a letter.

Budget discussion:

Chairman Robert Murphy said this is a preliminary budget to the tentative budget, so they could do whatever they want with the numbers. He said he would like to try to reach a consensus tonight so they could have it pretty well set for the tentative budget for the hearing next month.

Chairman Robert Murphy said he sat down with Seth and Steve to go over plant operations. He went down the budget line by line explaining the decrease or increase of each line. No numbers were changed during the discussions about the budget. Chairman Robert Murphy set the date for the public hearing to be December 10, 2009 at 7:00 pm. Also, the December meeting will be the Commissions reorganizational meeting, and meeting dates will be set. He said Linda noticed that the November, 2010 meeting falls on a holiday, Veterans Day, so he wants some input on how they should schedule that meeting. Rob said he thinks doing the meeting the day before would be OK. All agreed. Chairman Robert Murphy told Linda when she does the schedule for next months organizational meeting to put the November, 2010 meeting on for the Wednesday before. The members told Chairman Robert Murphy he did a good job on the budget.

MOVED by Robert Liffland, SECONDED by Tracy Durkin to close the meeting and adjourn. Time: 7:50 p.m. All were in favor and motion carried.

Colette Zito, Secretary