

DATE OF MEETING: May 14, 2015

PLACE OF MEETING: Pawling Village Hall, 9 Memorial Ave. Pawling, NY

KIND OF MEETING: Business

MEMBERS PRESENT: Chairman Daniel Peters  
 Commissioner John Burweger  
 Commissioner David Kelly  
 Commissioner Stan Mersand

MEMBERS ABSENT: Commissioner Robert Liffland

CONSULTANTS PRESENT: Karl Sundblom of Severn Trent Services  
 Brian Morgan of Daniels, Porco & Lusardi  
 Joe Zarecki of Zarecki Associates

At 7:00 p.m. the business meeting of the Pawling Joint Sewer Commission was called to order by Chairman Daniel Peters with the Pledge of Allegiance.

**MOVED** by Chairman Daniel Peters to appoint Commissioner Mersand to be secretary of the Pawling Joint Sewer Commission. **SECONDED** by Commissioner Burweger.

Roll call vote went as follows:	<u>“aye”</u>	<u>“nay”</u>
Chairman Dan Peters	√	
Commissioner Liffland		Absent
Commissioner Burweger	√	
Commissioner Kelly	√	
Commissioner Mersand	√	

All were in favor and motion carried.

**MOVED** by Commissioner Mersand to accept the Minutes of the April 9, 2015 Business Meeting as presented. **SECONDED** by Commissioner Kelly. All were in favor and motion carried.

**MOVED** by Commissioner Kelly to accept the Treasurer’s Report of April 1 – 30, 2015 as presented. **SECONDED** by Commissioner Burweger. All were in favor and motion carried.

**MOVED** by Commissioner Burweger to approve the April 2015 Vouchers/Bills as presented and the May Prepaid vouchers. **SECONDED** by Commissioner Kelly. All were in favor and motion carried.

New Business

- Discussion: Cedar Valley Representatives and Homeowners Association.  
 Chairman Peters welcomed the representatives of Cedar Valley and said he’d like to applaud their efforts in helping the commission address the I/I issues at Cedar Valley. He said recently it has come to his attention that 68 of the 150 residents at Cedar Valley are getting an estimated water usage bill. He said the water usage is used to determine the sewer billing.

Chairman Peters said that in looking at the difference in the gallons that the commission is receiving payment for, the gallons that is actually being used in the last two quarters, in the Sept. Oct. Nov. billing, there was a 279,600 gallons difference, that the commission is not receiving payment for. In the next quarter, the Dec. Jan. Feb. billing, there was a difference in the master meter and what the commission billed for of 276,946 gallons. He said over the course of the year a significant loss in revenue.

Chairman Peters said there is a law in the books that talks about everyone in the district having uniform meters which would be read remotely and the commission would get an accurate reading from each resident.

Chairman Peters said there are a couple of options they can consider.

Cedar Valley could choose to pay the sewer commission from the master water meter reading. And then Cedar Valley would have to do their own billing.

Chairman Peters said to the representatives that he doesn't know if they have any questions or comments at this time but what he'd like to do is for them to take the information the commission has given them and discuss it and get back to the commission by June 4<sup>th</sup>, a week before the next meeting, with their thoughts and ideas on this subject. He recommends they speak with their counsel about it and they can get back to the commission by having their counsel contact the commissions counsel who is Brian Morgan at Daniels, Porco & Lusardi or to the Pawling Joint Sewer Commission office and then Linda can forward the correspondence to everyone.

Chairman Peters said that not only does inaccurate readings affect the Cedar Valley's bills, it affects the whole districts sewer billing.

Commissioner Kelly said as the town representative on the board and Town Supervisor, if he missed an email or something about the offer of Cedar Valley to petition the town for a sewer district, if he missed an email he apologizes because this is the first time he's heard anything about forming a new sewer district.

Commissioner Kelly said that on the water meter side, the town has put out an RFP for these meters to be installed in their water district No. 1 and the bids came back at an astronomical amount. He said maybe Cedar Valley and the town can work something out with the purchase and the installation of the water meters. He said that he recommends they get the same meters because of the reader that will be able to read the meters from outside the home.

Commissioner Kelly said that the town is trying to work out an IMA with the village to use their reader and billing under shared services. He would like to have further discussions on that with the HOA on this.

Chairman Peters thanked the Cedar Valley representatives for coming tonight and he looks forward to hearing from them soon.

- **MOVED** by Commissioner Mersand to approve transfer of \$21,279.70 to Capital Fund #0811000000 from O&M MMA#081100030 for reimbursement of funds for projects. **SECONDED** by Commissioner Kelly. All were in favor and motion carried.
- **MOVED** by Commissioner Mersand to approve transfer of \$457.20 from Castagna Escrow Acct.#0811000160 to O&M MMA#081100030 for legal fees. **SECONDED** by Commissioner Burweger. All were in favor and motion carried.
- Resolution – Local Law Prohibiting certain sump pumps and other discharges into the sanitary sewer system.  
**MOVED** by Commissioner Kelly to approve the local law, **SECONDED** by Commissioner Mersand for the sake of discussion.  
Commissioner Burweger said that Commissioner Mersand called him about this because he is concerned that some people would not have adequate ways to dispose of soft water.

He said the ordinance prohibits the discharge of soft water into the sewer.

Commissioner Peters said yes and asked Joe Zarecki to explain.

Joe said in order for the commission to comply with the SPDES permit there are certain things that they are required to do and one of which is to work towards disconnecting any storm water from entering the sanitary sewer system. The sump pump is a vehicle for discharging storm water from a basement of a house. He said the acceptable means of discharging that water is into a dry well, a storm drain. But the sump pumps have to be disconnected from the sanitary sewer system. He said this is not exclusive to Pawling. It is mandated from the EPA and the DEC and it's necessary for the commission to comply with their SPDES permit.

Commissioner Mersand said that the law that is being proposed this evening does not require all sump pumps to be disconnected. It requires those that are putting ground water or clean water, the use of the water softener is allowable directly into the sewer pipes. Cleaning out hot water heaters or if you have to empty your furnace, those are allowed into the system because they have been treated and paid for. He said there are some houses that are bringing the water off of their roofs down the gutters, into their sump pumps and then into the sewer system. That is not allowable. He said however, the whole question of sump pumps comes up when you go to the EPA website. The first thing on the website that they discuss is the concept of moisture control where they talk about mold, mildew and health issues. They actually recommend installation of floor drains in basements but not for outside water. He said it recommends what Chairman Peters is saying about the water going into the system. Commissioner Mersand said they are not banning all sump pumps; they are banning the ones that feed into the sewer system.

Joe said if you look at section three in the local law it explains the water that is not allowed in the sanitary sewer system.

Joe said this is all part of the NYS requirement to have a sanitary sewer system that eliminates storm water at the sewage treatment plant.

There was discussion about illicit discharge and how they will go about inspections and the fees that will be implemented.

Commissioner Kelly said this is a local law; they need to have a public hearing for a local law.

Brian Morgan said the commission doesn't have the authority to pass a local law and it doesn't say it's a local law. It's a resolution that is a recommendation to the town board and the village board of trustees to adopt local laws that consist of this.

Commissioner Mersand asked if there are any flow reports from the new meter that they installed outside of Cedar Valley.

Joe said they set the meter in about a month and a half ago and unfortunately the meter was not set right so they had to reset it and next month they will have a reading.

Commissioner Mersand said that if those readings are correct during rain events he feels that it more than offsets the I/I along with all of the homes in the village that may be pumping in through pumps. He said that pumping from the home is illegal and wrong but that its way off set at that one location, then add the business's that they already know about and the I/I issue is much bigger than a homeowners sump pump.

Commissioner Kelly said that he will vote for this to go to the town board but with a lot more further conversation and potential amendments. He said they have an obligation to comply with their SPDES permit.

Chairman Peters said they can discuss it at the village board meeting and the town can discuss it and they can go over and make changes they feel are right, then bring it back to the Sewer Commission.

Joe said that he put this in the 2013 SSES report to let the DEC know that the commission is working on this. He's hoping that by year's end, when the SSES report is due for 2016 it will be done.

There was further discussion about time frames and the surcharges.

**MOVED** by Commissioner Kelly to table the resolution. **SECONDED** by Commissioner Burweger. All were in favor and motion carried.

- **MOVED** by Commissioner Mersand to approve retention of Prowler Water Conservation Systems, LLC to locate and mark underground utilities at the WWTP facility. **SECONDED** by Commissioner Kelly.

Joe Zarecki said they have to locate all of the underground utility lines at the WWTP. He said in order to be certain where things are; they want to use Prowler at a price of \$800.00. He said this should be done as soon as possible to keep the design going for the expansion.

Commissioner Kelly said that Prowler was onsite today at the plant doing work, is this part of what they were doing there today.

Joe said he isn't aware of them being there today.

Chairman Peters asked Karl Sundblom who was there at the plant today.

Karl said it was Prowler looking for lines. He said they would have to talk to Mike Batz about what they were doing there today.

Nobody knew anything about why Prowler was there today.

Commissioner Kelly said he would approve this today but it should be looked into why they were there today at the plant. All were in favor and motion carried.

- **MOVED** by Commissioner Mersand to approve the technical services change order dated April 29, 2015 for the WWTP expansion & upgrade project engineering contract with Zarecki Associates. **SECONDED** by Commissioner Kelly. All were in favor and motion carried.

- Sludge Hauling Bids: Chairman Peters asked Joe to talk about this.

Joe said the bids came in this morning. He handed out a summary of what the bids came in at for discussion. He said it appears that TAM is generally the low bidder. But for sludge removal services, Naugatuck is the lowest.

**MOVED** by Chairman Peters to accept Naugatuck for the Sludge Removal Services.

**SECONDED** by Commissioner Kelly. All were in favor and motion carried.

**MOVED** by Chairman Peters to accept TAM for the Pump Truck Services and the Hydro-Vacuum Truck Services. **SECONDED** by Commissioner Kelly.

Commissioner Kelly said even though their rates vary on other items per hour, they generally are the low bidder and they are reasonable. And they have had a good experience with TAM.

Joe said in item two, disposal offsite per cubic yard, it looks like an erroneous number they put in there. He said he will ask them to clarify this.

Commissioner Burweger asked if they should get that clarified and bring it back to the commission.

Commissioner Kelly said they can make the approval contingent on the fact that this number is at or lower than the other numbers.

**MOVED** by Commissioner Kelly to approve TAM contingent on the engineer clarifying the CY number and if it's at the same or less than the other bids, the Chairman has the authorization to sign the agreement with TAM Enterprises. **SECONDED** by Commissioner Mersand. All were in favor and motion carried.

Commissioner Kelly said that he just wants to clarify that under fair bidding law they are allowed to compare bids and even if someone is not the low bid but they are reasonable, there are terms used so they don't have to accept the bid just because it's the lowest.

**MOVED** by Commissioner Kelly to award the bid to TAM Enterprises for the Pump Truck Services because the services provided by them are the most reasonable.

**SECONDED** by Commissioner Mersand. All were in favor and motion carried.

### Current Projects

- Plant Expansion – No comments
- Croton Pump Upgrade Project – Joe said he put together a bid packet for the pump station. Since then, in discussions with the attorney and Severn Trent, that as per ST's agreement, the commission can utilize ST to do the work under their current agreement and after looking at the system with ST and going through it, having ST operate and maintain the sewage pump station and all of the pumps within it and having another company come in and retrofit the pump station while they are responsible for the maintenance of it, he asked them to give him a cost estimate on what it will cost if they do it. ST's number came in at roughly \$50,000 and it is slightly different than what the original plan was.  
Joe said before they put it out to bid, his opinion is that Severn Trent should do the work. Commissioner Kelly had a question on the contract of payment with Castagna; is this in line with that and will this affect any of the money's they are getting from the state for the sewer line coming up Route 22.  
Joe said no, he doesn't believe there is any effect on that.  
He said they will pay \$45,000 and this is only \$5,000 more and will cut out a lot of other work like getting insurance forms and stuff like that.  
Joe said in his opinion, it would be best for ST to do the work and be responsible for the system that they are maintaining.  
Brian Morgan said it is permissible under the operator's agreement. He said first of all there is a procurement policy provides that additional services provided by water and sewer facility operators pursuant to the current operator's contract with the village or the commission shall not require competitive bidding procedures if the additional services are to be provided and are not predominant over the basic services described in the operator contract. In other words, if building a WWTP that would be a serious project but something like a pumping station, that is something that is in the ambulant of the original operators agreement as part of the system that they are maintaining and doing repairs for. He said this is part of a couple of comptroller's opinions also.  
Chairman Kelly said that they have a plan that's drawn up, they are going to deviate what has been spent to go to a different plan that's being proposed.  
Joe said the basic difference is the housing and just a couple modifications. They are not significant changes.  
**MOVED** by Chairman Peters to allow Severn Trent to do the work for the Sewer Commission to upgrade the Croton Pump Station. **SECONDED** by Commissioner Mersand. All were in favor and motion carried.
- Generator Project – No comments
- Cedar Valley – Discussed earlier.
- Route 22 Sewer line update – Commissioner Kelly said the town engineer has been pushing Castagna about getting the sewer line going. The engineer is concerned about Castagna's time frame with moving forward with the cutting and construction on the roads.
- I/I – Video, cleaning, repairs – No comments
- RFP Sludge Hauler – Discussed earlier

Chairman Peters said he'd like to change the order of the Agenda and go into Public Comment. He asked if there are any comments from the public.

Visitor's Comment

Earl Slocum said that hearing about the Cedar Valley issue he just has two questions. He asked who installed the meters at Cedar Valley, the town or the developer. He said he knows a lot of people at Cedar Valley, and the meters are absolutely impossible for someone to read. He said they can't read the meters so they just don't bother.

Chairman Peters said they have options. They can get other meters.

Joe said a lot of the meters don't work correctly.

Commissioner Kelly said they can contract with someone else, maybe the company that does the water treatment to read the meters. They just haven't done anything about the issues.

Peter Cris asked about the proposed meeting with the property owners down Route 22, is it scheduled yet.

Commissioner Kelly said they are still working on it. He said the Chairman and himself work during the day so they have a meeting set for June 3<sup>rd</sup> at the Town Hall with the Chairman and the Town Supervisor.

Commissioner Mersand asked how were the property owners contacted.

Commissioner Kelly said they will be sending a letter and he thanked Joe Zarecki for sending them the addresses.

Peter Cris asked what will be presented at that meeting.

Commissioner Kelly said they will present them with what's been happening with the upgrade and discussion of future hookups for them and petitioning the town.

Peter Cris asked if any costs will be presented to them.

Commissioner Kelly said no. They won't know that.

**MOVED** by Chairman Peters to close the regular session and go into executive session to discuss potential litigation. **SECONDED** by Commissioner Kelly. All were in favor and motion carried. Time: 8:08 p.m.

**MOVED** by Chairman Peters to open the regular session after executive session. **SECONDED** by Commissioner Mersand. All were in favor and motion carried. Time: 8:21 p.m.

**MOVED** by Commissioner Kelly to close the meeting and adjourn. **SECONDED** by Commissioner Burweger. All were in favor and motion carried. Time: 8:22 p.m.

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Stan Mersand, Secretary