

DATE OF MEETING: May 10, 2018

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

KIND OF MEETING: Business

MEMBERS PRESENT: Chairman Daniel Peters
Robert Liffland
John Burweger
Earl Slocum
Lauri Taylor
James Schmitt

CONSULTANTS PRESENT: Mike Batz of Inframark
Brian Morgan of Daniels, Porco & Lusardi

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;

- Approve the April 12, 2018 Business Meeting Minutes as presented
- Approve April 2018 Treasurer's Report as presented
- Approve payment of April 2018 Vouchers/Bills as presented and May 2018 prepay vouchers

SECONDED by Commissioner Burweger. All were in favor and motion carried.

New Business

MOVED by Chairman Daniel Peters to approve Pay Request No. 1 for \$37,050.00 to J&J Sass Electric, Inc. **SECONDED** by Commissioner Burweger. All were in favor and motion carried.

MOVED by Chairman Daniel Peters to approve Pay Request No. 1 for \$503,310.00 to OCS Industries, Inc. **SECONDED** by Commissioner Slocum. All were in favor and motion carried.

Resolution approving execution of amendment to engineering agreement to substitute Chazen Companies for Zarecki Associates to finish the WWTP Expansion project.

Brian Morgan explained that the resolution is simply just to formalize the changing of the positions of the two engineering firms. Zarecki is withdrawing as the chief engineer on the WWTP Exp. project and Chazen is substituting for them in that position.

Brian said it primarily was negotiated by David Daniels.

The theory was that the original contract that Zarecki had is still a viable contract and shouldn't really be totally rewritten but parts of it were changed to reflect the fact that the roles of the two engineering firms had been reversed.

He said also they wanted to make sure that everybody was in agreement on what work has been done and paid for by the Commission and what work remains to be done. He said that is schedule 2 and was audited by Jeff Smith. He said it shows there aren't any cost overruns or anything that was happening on the Zarecki contract.

He said this will be signed tomorrow or Monday and it will be effective retroactively back to April 12th, the date an earlier version of this contract was approved.

The resolution went as follows:

At a Meeting of the Pawling Joint Sewer Commission held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 10th day of May, 2018, at 7:00 PM

RESOLUTION OF THE PAWLING JOINT SEWER COMMISSION

Identifier: Resolution approving execution of amendment to engineering agreement to substitute Chazen for Zarecki to finish of WWTP expansion project.

The meeting was called to order by Chairman Daniel Peters and the following were:

P R E S E N T:

- √ Chairman Daniel Peters
- √ Commissioner Robert Liffland
- √ Commissioner John Burweger
- √ Commissioner Earl Slocum
- √ Commissioner Lauri Taylor
- √ Commissioner James Schmitt

The following Resolution was proposed by Commissioner Slocum, who moved its adoption, and seconded by Commissioner Burweger.

WHEREAS, the Pawling Joint Sewer Commission (“Commission”) adopted a resolution on April 12, 2018 to approve and execute a contract among the Commission and the engineering consulting firms working for the Commission for the design and construction of the wastewater treatment plant (“WWTP”) expansion project (“Project”), which contract made changes in the roles of each engineering firm in the WWTP Project; and

WHEREAS, after adoption by the Commission, the New York State Environmental Facilities Corporation (“EFC”) and the engineers determined that changes to the contract adopted on April 12, 2018 would be required for acceptance by EFC; and

WHEREAS, counsel to the Commission has submitted amendments of the said contract to the Commission and has requested that it be approved and executed, which contract is annexed to this resolution as Exhibit “A” and is entitled “Amended and Restated Professional Services Agreement” (“Amended Agreement”); and

WHEREAS, the effect of the Amended Agreement will include but is not limited to designate Chazen Engineering, Land Surveying & Landscape Architecture Co., DPC (“Chazen”) as engineer for the Project, and for Zarecki & Associates, LLC (“Zarecki”) to vacate the position of engineer for the Project and to become a subcontractor to Chazen;

NOW, THEREFORE, BE IT RESOLVED that the Commission approves the “Amended and Restated Professional Services Agreement” effective April 12, 2018” (Exhibit “A”) and

authorizes Commission Chairman Dan Peters to execute same and cause it to be submitted to EFC for their approval.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Chairman Daniel Peters	√	—	—
Commissioner Robert Liffland	√	—	—
Commissioner John Burweger	√	—	—
Commissioner Earl Slocum	√	—	—
Commissioner Lauri Taylor	√	—	—
Commissioner James Schmitt	√	—	—
TOTAL	<u>6</u>	—	—

STATE OF NEW YORK

SS.:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Secretary of the Pawling Joint Sewer Commission, have compared the foregoing resolution with the original resolution and minutes now on file in the office of said Commission, and which was adopted by the Pawling Joint Sewer Commission on the 10th day of May, 2018, and that the same is a true and correct copy of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Pawling Joint Sewer Commission this 10th day of May, 2018.

Linda Murray, Commission Secretary

MOVED by Chairman Daniel Peters to approve engagement letter from Van DeWater & Van DeWater for counsel for the sewer connection and easement for Jantzer House at Trinity Pawling School.

Chairman Dan Peters asked Brian Morgan if he has anything to add about the letter.

Brian said he doesn't want to get in between the special counsel and the Commission but he saw the rate was \$300 an hour and that's not what the Commission typically pays so it would be within the Commissions jurisdiction to negotiate with Jerry Comatos.

He just wanted to let the Commission know that they do not have to approve it the way it is. Brian recommended the Commission see what the bill is first, to just table this for now.

Chairman Peters said the topic will be tabled until next month.

Discussion; sewer customer request ref.#3218 –

Chairman Peters said since the water was clean and unused it still needed to be treated.

Commissioner Burweiger said that this much water should have been noticed by the homeowner before it got so bad.

Commissioner Slocum said that he spoke with Linda and she said that a bill has never been adjusted if the water did enter the sewer system.

It was the general consensus to deny the request for a bill adjustment.

MOVED by Commissioner Burweiger to deny the request for credit on sewer bill, **SECONDED** by Commissioner Slocum. All were in favor and motion carried.

Current Projects

WWTP Improvement Project – Commissioner Burweiger reported that he was at the construction meeting today. He said it was a very good meeting. He said he was delighted to see a lot of construction activity going on. He said the meeting was very well organized by Chazen. The project manager was there. There was a representative from the electrical contractor on the phone. He said they'll have meeting minutes and that he intends to attend all of these meetings.

Cedar Valley – Chairman Peters said Cedar Valley will be the next item to address for the meters there.

Sewer Operator Report

Mike Batz said that there is a lot of construction going on at the plant so it's really busy.

The pump station project, they are in the process of upgrading all of the pump stations.

The Greenlawn rag system, they will be getting that underway also.

Attorney Report – Nothing further.

Engineering Report – No report.

Commission Member Comments – Commissioner Robert Liffland handed Chairman Dan Peters a Certificate and asked him to please read it.

Chairman Dan Peters read the certificate;

From New York State Senate – Senator Sue Serino.

“Certificate of recognition of the Village of Pawling in Dutchess County.

In recognition and celebration of being awarded the Hudson River Valley Greenway Community Counsel Compact Grant.

With gratitude for your commitment to the enhancement and development of the Hudson Valley.”

Signed Senator Sue Serino.

MOVED by Commissioner Schmitt to close the meeting and adjourn. **SECONDED** by Commissioner Taylor. Time: 7:25 p.m. All were in favor and motion carried.

Earl Slocum, Secretary