

DATE OF MEETING: February 9, 2023

PLACE OF MEETING: Village Hall

KIND OF MEETING: Business

MEMBERS PRESENT: Chairman Daniel Peters  
Lauri Taylor  
John Burweger  
Jerry Locascio  
Tom Meyer  
James Schmitt

MEMBERS ABSENT: None

CONSULTANTS PRESENT: David Daniels & Dan Stone

At 7:00 p.m. the Business Meeting of the Pawling Joint Sewer Commission was called to order by Chairman Dan Peters with the Pledge of Allegiance.

**MOTIONED** by Chairman Peters to:

- Approve the January 2023 Business Meeting Minutes as presented.
- Approve the January 2023 Treasurer's Report as presented.
- Approve payment of the January 2023 Vouchers/Bills as presented and prepaid vouchers.

**SECONDED** by Commissioner Burweger. All were in Favor and **MOTION CARRIED.**

**MOTIONED** by Chairman Peters to approve the transfer of \$76,302.62 from the O&M Acct. ending in 0300 to Checking Acct. ending in 0190 to pay January 2023 Vouchers. **SECONDED** by Commissioner Taylor, all were in favor, **MOTION CARRIED.**

**MOTIONED** by Chairman Peters to approve the transfer of \$4,807.00 from Capital Acct. ending in 0000 to Checking Acct. ending in 0190 to pay LaBella Associates Voucher for West Main Street Pump Station Upgrade & 2022 I&I Study. **SECONDED** by Commissioner Burweger, all were in favor, **MOTION CARRIED.**

**MOTIONED** by Chairman Peter to approve payment in the amount of \$6,460.00 from Project No. 2 WWTP Acct. ending in 0500 to pay LaBella Associates Voucher for Septage Receiving Project. **SECONDED** by Commissioner Locascio, all were in favor, **MOTION CARRIED.**

**MOTIONED** by Chairman Peters to move \$20,000.00 from Contingency Line # A19904 to Collection System Repairs & Maintenance Line # 13043.4. **SECONDED** by Commissioner Burweger, all were in favor, **MOTION CARRIED.**

**MOTIONED** by Chairman Peters to move \$4,000.00 from Sludge Line # 13041.6 to Collection System Repairs & Maintenance Line # 13043.4. **SECONDED** by Commissioner Meyer, all were in favor, **MOTION CARRIED.**

## New Business:

- Chairman Peters opened Ref. # 04.23 for discussion: Customer 10578 requested a waiver of penalty in the amount of \$30.15 for sewer bill. A discussion between the Commission Members took place, and all agreed to allow the waiver. Chairman Peters made a **MOTION** to approve waiver of penalty in the amount of \$30.15 to customer 10578. **SECONDED** by Commissioner Burweger, all were in favor, **MOTION CARRIED**.
- Chairman Peters postponed the next item on the Agenda regarding 73 & 71 West Main Street sewer backup so the Commission could further review.
- Chairman Peters opened the floor for discussion regarding the appointment of an additional Town Member to the Pawling Joint Sewer Commission. Chairman Peters said he believes that at the end of our last meeting we were in favor of that & if anyone had anything they would like to say, to please do so & if not he would like to make a **MOTION** to add the additional Member. Commissioner Schmitt said we welcome the discussion and we want more open discussions working with the Village, we are all Pawling tax payers, we're all Pawling representatives and most of our Board is here tonight, thank you very much for being here and just being more involved, we are working as a team, we are expanding the district, this year we are going down 22 all the way to the Patterson corridor so we see a big change coming there which is fantastic for the new plant that we have all been a part of, and of course we want more representation but it's just for the better of the group, so I welcome the discussion. My Deputy Supervisor Jim McCarthy is here, and our Councilman Phil DeRosa is here tonight & Councilwomen Snow is here tonight, so if any of you have any comments, please, that would be great. Jim McCarthy then spoke and said thank you, I think it's great, I know I had mentioned to you before if we could have one Commissioner, I think two would be even better, for a total of three I mean but if that doesn't fit into the committees – Chairman Peters interjected, he thinks this is a good place to start, it's been this way for a very long time and I think this is a good place to start and I think we are always open for discussion and you know it's good to have you guys here and you can come anytime. Commissioner Schmitt then interjected, Mr. Commissioner if you don't mind, I feel like I do speak for our Board, and if not, you're all welcome to speak. In previous discussion I think we all do feel that the Commissioner and the Deputy Commissioner should be held by the Mayor and the Supervisor, or the Mayor's choice and the Supervisors choice, we feel the two top seats should be chosen by both Boards, not automatically appointed just the Villages consideration & the Towns consideration so that everyone has someone at the top of the Board and then a mixed Board within that. Obviously the Village holds most of this District and most of the users and we understand that & we respect that and we know you will be in the majority understandably so correct? I feel right? Jim, Coleen? Jim McCarthy agreed. Commissioner Schmitt continued, this is great discussion about expanding the Board, obviously we are totally open to that but I believe, and Jim am I wrong that the top two positions should be held by the Town & the Village and not only that but the choice should be by the Town & the Village and then we build the Board around that amongst the Village Board and the Town Boards input, and again, I welcome conversation –

Phil DeRosa interjected, saying I would just like to add that the last meeting was a perfect example of only having one member on the Board when James wasn't here and it just so happened that I was here, but I am not a legal representative for the Town, but like always this Board has always given me the opportunity to speak when I am at this meeting and I have appreciated that throughout the years even though I wasn't on this Board, but there is a perfect example of us not having representation at the meeting because the one member from the Town couldn't be there, so there's an example. I brought the minutes back to the Board and presented them at the following meeting just to inform the Board of what was going on. Mr. Daniels commented, so that's something that could probably be addressed, you could provide for an alternate. Commissioner Locascio interjected that we already have that. Chairman Peters said we are going to make a **MOTION** that we add a member – Mr. Daniels said you could add the alternate too. Chairman Peters said that at any time, it's always been the Supervisors propagative to appoint and send someone in their place, so if there is going to be two of you and one of you can't make it you can appoint someone to come. Commission asked Mr. Daniels if that was legal to do that. Mr. Daniels said he couldn't remember what the Agreement says now and asked Commissioner Locascio if he had the information – Commissioner Locascio answered that Page 2 from the amendment in 2009 that the Supervisor can appoint someone to attend the meeting, Commissioner Locascio then said he would like to see another member put on the Commission from the Town Board with the caveat that they can have someone come instead – Commissioner Schmitt interjected, the problem is that in our vision, is that even having two Town Members here there is zero chance in voting in Commissioner, Deputy Commissioner, Treasurer or Secretary right? We have a zero chance of that happening because the Village always holds the majority of the Board forever right? Commissioner Locascio said but you were the Deputy Commissioner. Commissioner Schmitt said correct and actually I loved it, and Dan, outside of here I've know you for a long time and we actually all have. Other than Supervisor this was actually more important to me than Supervisor. I loved being recognized by my co-workers and what not. The reality is that even adding one person to this Board there is zero chance of the Town electing a Commissioner or Deputy Commissioner because the Village will always be the majority no matter how much the District expands. Commissioner Taylor said she didn't see it that way. Commissioner Schmitt said how is it possible if you hold all the seats? Chairman Peters said there has been at least two and maybe three Town Supervisors that have been elected Chairman of the Pawling Joint Sewer Commission. Commissioner Schmitt said but he was unelected as one, he went on to say the Town never has a chance of a fair vote because they will never have the majority and my point is that's why I feel it's important even in this capacity as a Board meeting we are all one vote correct? Chairman Peters responded yes. Commissioner Taylor said and they are annual appointments. Commissioner Schmitt said he agreed with Mayor Taylor, and he feels that the Commissioner or Deputy Commissioner seats should be either the Mayor or the Supervisor or a choice of the Mayor or the Supervisor so at least the perception the community is that the Town & the Village are equally represented by the top two seats and then we make up the rest of the Commission as per the majority which would be the Village, which is fine at least the top two seats would be the Town & the Village and right now, it's not that. That is actually my concern and I think that's actually the concerns of my Board. Jim McCarthy began to speak, saying that

originally when he spoke two months ago – Commissioner Schmitt interrupted Jim McCarthy and said at the end of the day, we are still one vote here. Jim McCarthy continued, the Chairman should be from the Village and the Deputy Chair should be from the Town and this way, both parts have a representative from the Town & the Village at the top spot. Chairman Schmitt said that's how they feel. Jim McCarthy continued that's what he agrees to. Commissioner Taylor spoke and said I guess, and I haven't been on that long myself, I think partly why it's so heavy Village because all of the ownership, all of the legality and liability is all on the Village, we are the ones that are responsible for the O&M, we are responsible for a lot and it's our water system that is very intricately related to the sewer system – Commissioner Schmitt interjected that it's quickly trending the other way Mayor is my point, with the Route 22 sewer District, and again, it's only one vote, but it's more about perception and with the 22 corridor all the way to Patterson we are going to take over a huge part of – Commissioner Taylor interjected, but we are the ones that own the pipes and the O&M is in the Village, it's the Village owns the sewer plant. Mr. Daniels said the way he sees it understandably the Town wants more control or representation, it's not a bad thing to want, but it's also not a bad thing to not want to do that because and again, anybody can make the argument that your making, and counter it – to me it's the Village historically for forty years has been the major user and incurred the lion's share of the expense and has allowed the Town to offer our sewer to some of its users and now allowing the Town to have this economic development opportunity that's going to be good for everybody no doubt, but I don't see it as a logical thing I see it as of course the Town wants more say, but I think there's a lot of reasons why the Village wouldn't want that, they would want the ultimate authority to do or not do something – Commissioner Schmitt interrupted and said, so you're saying the Village wouldn't want us to expand the sewer district all the way to Putnam County? Mr. Daniels responded saying no, James that's not what I said – Commissioner Taylor said that's not what he said – Commissioner Schmitt said I want to understand. Mr. Daniels continued, there is no logical connection between what I said and what you said, first of all I started out saying that everyone benefits if there is an expansion, so there's no connection – Commissioner Schmitt then said, Mr. Daniels so what I am perceiving that you are saying or my perception of what you're saying, and I apologizes if I am wrong – Mr. Daniels interjected don't perceive what I say, if I said something then say what I said because you are so far off of what I said. Commissioner Schmitt said, I don't want to be that way I am asking a question. Commissioner Schmitt went on to say I get it, for the last forty years it's been, the majority is the Village correct? Mr. Daniels answered yes, Commissioner Schmitt said which is why you have had the majority of the representation correct? Mr. Daniels & Commissioner Taylor both responded and said no. Mr. Daniels said again, I can understand why now the Town would like it now to be, OK we are now getting more flow, lets base this on flow, but there's a lot of arguments to say there's nothing, first of all, the Agreement is the Agreement and there would have to be an Agreement to change it based on flow and there's a lot of good reasons, and there's no right or wrong James is what I am saying about who - Commissioner Schmitt interjected and said but why shouldn't we have more representation as the district expands into the Town which ultimately helps pay down the debt to the new sewer treatment plant. Mr. Daniels said, but James again, you are making a statement, a leap to something, this has nothing to do with who wants what, I think everybody wants that expansion, but again,

if you wanted to counter this there's no right or wrong here, but to counter what you said this is allowing the Town the opportunity that they wouldn't otherwise have because without the Village having done this for forty years, and the tax payers in the Village having paid the lion's share you wouldn't even have this opportunity to do it, so you were essentially a user and now you have this opportunity so again, I'm not saying it's correct or incorrect and neither is what you saying correct or incorrect, it's just it is, it's the way the Agreement was set up and again, it's not unreasonable for you to ask or want it but it's not unreasonable for the Village to say no, this is how it was set up and this is how the bonding was done and again, trying to make a logical argument where there's a Contract that says this is how it is and that's what everyone agreed to move forward on that basis – I don't think there is any logic to it. I just think it is what it is. Commissioner Schmitt said the logic to me would be that having one or two representatives from the Town doesn't move the needle for the Town at all because we are still in the minority right? I am sure you all understand that right? Whether there is me or me plus one we still can't win a vote ever here correct? Mayor Taylor asked why can't you win a vote, It's not the Village against the Town we are all Commissioners sitting on the same sewer Commission. Commissioner Schmitt agreed that all of the Commissioners are working together but, the Town would never have an opportunity to win a vote. Commissioner Taylor said she didn't understand Commissioner Schmitt's statement. Commissioner Schmitt said because right now it's five to one and then it would be five to two potentially correct? Commissioner Meyer said you're saying that we would pick a Village person, who said that? Commissioner Schmitt said he didn't say that at all. Commissioner Taylor said but that's what you're stating. Commissioner Schmitt said that's not what he was saying at all, what he was saying is right now there is Five Village representatives to one Town representative. Many people began speaking at once and Chairman Peters began trying to gain control of the meeting. Phil DeRosa from the Town Board asked to speak and said number one - if you have a good argument, we are all in this boat together with our minds going in the right direction, and if I had a good argument I would hope that I would win over whoever is sitting there, Tom or somebody else – Commissioner Taylor & Commissioner Meyer agreed with Mr. DeRosa. Mr. DeRosa continued, then the second thing is Lauri, when you said that it's the Village's responsibility totally for the sewer and everything, I never read the Agreement when they did it years ago, but doesn't the Town have a responsibility in there also in that Agreement? So it's not all the Village's legal responsibility. When the Town entered that Agreement they accepted part of the responsibility also am I correct? Mr. Daniels responded and agreed that Mr. DeRosa was correct. Mr. DeRosa continued, that he himself thought it was great that we started to have this conversation a couple of meetings ago and that the Village is willing to add Town Board members and if we go forward with that recommendation it would also have to be approved by their Board which we would be voting on along with the new district which I believe is next month and hopefully at the same time we could add the number of Town Board members to be added – Chairman Peters interjected and said he didn't know that we ever had a problem with the mechanics of how this works here. This year the issue has become the appointments and he felt pretty strongly that Lauri had done an outstanding job in working to address some of the issues and he really wanted Commissioner Schmitt's support in that, He continued it wasn't anything against Commissioner Schmitt. Chairman Peters then asked if anyone had

anything else. Coleen Snow from the Town Board said it is her understanding that if we have another Town Board member this is then the Board correct? Chairman Peters answered yes. Ms. Snow continued, so then this like any other Board, every ones vote is every ones vote, there's not one person that has more power in their vote than anyone else – Chairman Peters agreed and Commissioner Taylor said it's equal. Chairman Peters said typically what we do is – Commissioner Taylor interjected saying it's about running the sewer system Chairman Peters agreed. Commissioner Taylor then said she doesn't see it like a Town vs the Village kind of thing. Commissioner Burweger said we are all part of the Town. Commissioner Schmitt said he appreciated this and he loves discussion. Commissioner Schmitt said he does take it as the Town vs the Village and he explained why – he felt that he did a good job as Deputy Commissioner and he told that to Commissioner Peters who he loves and respects and he still does, but his point is by not having equal representation recently not only with being voted out of his position as Deputy Commissioner, but with Commissioner, Deputy Commissioner, Secretary & Treasurer were appointed by this Board yes? Chairman Peters agreed. Commissioner Schmitt continued, saying OK, so two of those seats were filled by people who he had better attendance than them and this is why he feels the Town doesn't have equal representation because what other reason would you have for filling those seats with people who he attended more meetings than them in a calendar year if it wasn't simply for you having the majority, that's a really valid question to all of you and believe me, I really love all of you people and Pawling, I am very supportive of Pawling and of us as a group, but if you tell me we have equal representation, we don't because we vote on things here and right now I am the sole vote for the Town of Pawling, I am the sole vote for my Board and that reflected in the appointment of Commissioner, Deputy Commissioner, Secretary & Treasurer yes or no, yes or no Commissioner – Chairman Peters began to speak and Commissioner Schmitt interjected and said what other criteria do you use to appoint those positions within this Commission? Mr. Daniels spoke directing his comments to Commissioner Schmitt and said that's not a logical statement what you said about attendance equals I should get this position because I have attended more meetings it doesn't – Commissioner Schmitt interjected again asking so what other criteria does the Commission use? Mr. Daniels said it is every ones discretion, whatever anyone feels is valid, it's not just attendance though. Commissioner Schmitt said we should all know what is valid, what we are using. Commissioner Taylor said she was just going to guess because she wasn't the one that made the decision – when sitting on Boards, and I am going to use your Board as an example or whatever Board you might want to think of, we tend to get in a rut we tend to if you've served as secretary let's say we usually go back and ask are you willing to serve again unless someone says hey, I would like that spot, that's how I see it. Commissioner Schmitt said when the Commissioner (Chairman Peters) approached him he told Chairman Peters he would absolutely love to keep his Deputy Commissioner spot and Commissioner Peters you know I very clearly said to you that I firmly believe that the Head Commissioner & the Deputy Commissioner spot should be held by the Town & Village, it wasn't anything about me or you or Tom or Jerry or John it was just I think since we are both working, this Commission works for the Town & Village of Pawling and every Village resident is a tax payer of Pawling and I think in fairness to the Community as a whole those seats should be held by either the top two seats or appointments of those seats and then we fill the Commission

around it, not we fill the Commission with all of the Village Trustees and then one person from the Town, now listen, I love the fact that we are talking about a number two from the Town I really do, I welcome it, but number two and next year's January's meeting still doesn't give the Town – Commissioner Taylor interjects, saying I don't understand why you're still saying you don't have a vote – Commissioner responded saying because this year it wasn't even an consideration. Commission Taylor said, but we are having the conversation now so when we go to reorganize next year – Commissioner Burweger spoke and said it will be different. Commissioner Schmitt asked Commissioner Burweger why it wasn't different this year – Commissioner Taylor said, because it hadn't been an issue – Commissioner Burweger agreed with Commissioner Taylor saying it hadn't been an issue – Commissioner Schmitt said, until all four appointed seats were held by the Village. Commissioner Taylor said and they all were when you first started as Supervisor, you weren't the Deputy Commissioner here – Commissioner Schmitt said, Mayor, I agree and we made great strides as a group, believe me I loved this Board, I really did and Commissioner Peters you know that, I told you that. When Dan Peters told me we (the PJSC at the time) was going to make me the Deputy Commissioner I was so excited, I went to my Board and said this is fantastic, God as my witness, this was great. The Village and Town have representation at the top of this Board and I felt we worked very well together this year, and I'm not upset at being passed over as number two, I didn't get number three or number four – Commissioner Taylor said she didn't ask for the appointment. Commissioner Schmitt continued, the Town Board got one seat on this Commission in a year when we are expanding this sewer district further than ever. Jim McCarty, Town Board member asked to speak, he said thank you, can we re-discuss this again in October-November and see how we make out with our second seat – Commissioner Taylor interjected and said we should add the second seat – Mr. McCarthy asked if he could finish – he said thank you for adding the second seat we are going to - recording becomes inaudible due to many people speaking at once, once audible, Mr. McCarthy says we will go back to our people, our residents and say we are going to continue open dialogue. Chairman Peters said I think we are in agreement for the seat, can we discuss the rest of it or more – Commissioner Schmitt interject and said whatever the Commission would like, he will support. Commissioner Locascio addressed Mr. Daniels and asked if we were to go ahead and make that Amendment, how would that work, is there a timeline you have to follow? Mr. Daniels responded by saying no, it would have to be an Agreement by both the Town & Village so it coordinates with the schedules with the Town & Village Meeting so you could have a Resolution to authorize that Amendment. Commissioner Locascio asked would that start here tonight. Commissioner Taylor said would it be voted on here tonight and then go to the Village & Town, Mr. Daniels said yes and then it would be subject to the Town & Village Boards approval. Chairman Peters said he would agree to have conversations and re-discuss the whole seat thing at the next meeting and I would at this point make a **MOTION** to add another seat from the Town Board and to –recommend that to both Boards. Chairman Peters asked for a **SECOND** Commissioner Burweger & Commissioner Schmitt **SECONDED** the **MOTION** Commissioner Schmitt told Chairman Peters that he appreciated that. Commissioner Locascio asked to add a caveat to that allowing the Town Board can appoint a third person of their Board to sit in if either of the other two members can't make it to the meeting. Chairman Peters agreed, and Commissioner Schmitt thank Commissioner

Locascio for that. Commissioner Locascio asked if that could be made part of the **MOTION** Chairman Peters said he had done that. Commissioner Taylor said, so it's an Amended **MOTION** Commissioner Schmitt **SECONDED** the **MOTION**. Chairman Peters asked **ALL IN FAVOR SIGNIFY BY SAYING AYE**, all were in favor, **MOTION CARRIED**.

- Chairman Peters asked if there were any updates concerning Castagna, Commission Schmitt said Castagna is ongoing, they're blasting rock down there, they are full force with their project, they are expecting to be fully under construction this year which is fantastic, it will bring eighty plus units into the district this year and we're excited about that project. Commissioner Schmitt then spoke about the ASPCA saying they are expected to come in for permits next month and they are anticipating breaking ground late March, early April so they will be under construction this year as well which is again, another great user for the sewer district and we have that line already up Route 22 which is fantastic, another high volume user on board, as of today they told me today, late March beginning of April, so we are excited about that also. Dan Stone asked if he could comment on this and said he was on the phone with Jim Teed about a week and a half ago and he said he is ready to approve the sewer plans for the ASPCA, but the water plans are not nearly at the same level and therefore he can't approve one without the other. Commissioner Schmitt said they are coming within the next week or two for some bonding stuff and hopefully that will get the wheels in motion and get some bonds in place while those things are going on, so they can get construction in process. Chairman Peters asked if they had a water supply. Dan Stone responded, they have drilled a well, & they have a consultant from NY City as he understands it that may not quite know the nuances of Dutchess County, so he's ready to approve (Jim Teed) if the water side gets up to the same standards as the sewer. Commissioner Schmitt said we are happy to get them going, two big projects. Commission Schmitt said, now if we could just get Hannaford's online we would really be batting a thousand.
- Chairman Peters asked if we had any updates on the West Main Street Pump Station. Dan Stone answered and said he did not have any updates, but had seen some correspondence today saying that NYSEG still hadn't been responsive. Christine said she had talked with Foremost yesterday and asked if they would please get in touch with their contact at NYSEG, however she hadn't received a response yet. Dan Stone said it's been radio silence on NYSEG's part.
- Chairman Peters asked if Dan Stone had anything else, Mr. Stone said that he and Christine had a conversation with Williamson this week, and they are tooling up to get the program changed by May so it can be used in the June billing, he also needs to get with Dave to make sure we line out whatever approvals the Commission needs to do, the Village Board needs to do & the Town Board needs to do if any to affect this within that time frame. We are doing QA QC of the entire data base now and we will submit that to Williamson as soon as that's done. We are also focused on inflow & infiltration, we recently had a rain event that hammered the WWTP with over a million gallon a day rate and at least 50% is coming from the small geographic area East of Route 22, so both areas are show inflow & infiltration but the worst is coming from East of Route 22 so H2o is soliciting quotes for camera work per foot of the system which will be presented to the Commission by the next meeting, maybe even before and I think it's really important to get the cameras in that system to see exactly where



that water is coming from. I've also made the recommendation for continued flow monitoring so if we get the base line in a wet condition then if we are able to make improvements we should be able to see that in the data.

- Chairman Peters asked if anyone else had anything they would like to discuss, no further discussion took place.
- Chairman Peters made a **MOTION** to close the meeting, Commissioner Schmitt **SECONDED**. All were in favor, **MOTION CARRIED**. Time 7:40 PM.

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Jerry Locascio, Secretary