

DATE OF MEETING: March 9, 2023

PLACE OF MEETING: Village Hall

KIND OF MEETING: Business

MEMBERS PRESENT: Vice Chair Lauri Taylor
Commissioner John Burweger
Commissioner Jerry Locascio
Commissioner Tom Meyer
Commissioner James Schmitt

MEMBERS ABSENT: None

CONSULTANTS PRESENT: David Daniels, Esq. & Dan Stone

At 7:00 p.m. the Business Meeting of the Pawling Joint Sewer Commission was called to order by Vice Chairperson Lauri Taylor with the Pledge of Allegiance.

MOTION by Commissioner Meyer to close the Regular Business Meeting to go in to Executive Session at 7:02 PM for Litigation **SECONDED** by Commissioner Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Commissioner Burweger to close the Executive Session, **SECONDED** by Commissioner Locascio. There was no discussion; all were in favor and the motion carried. Time 7:18 PM

MOTION by Commissioner Meyer to re-open the Regular Business Meeting, **SECONDED** by Commissioner Burweger, all were in favor and motion carried. Vice Chairperson Lauri Taylor said there were no decisions made during Executive Session. Time 7:19 PM

Vice Chairperson Lauri Taylor announced that Dan Peters who was the Chairman of the Commission had resigned. Unfortunately it was an unexpected resignation and we haven't even had time to figure out how we adjust now as they are big shoes to fill. She continued to say, with that I know we need to move forward in making some changes on the Commission, but I am going to say we would like to make those decisions at our next meeting so that we have some time to figure out what we are doing here and get settled on the Village side of things so that we can openly discuss that, but in the meantime I know that at the last meeting the Commission decided to move forward with a second seat for the Town, and since it's a joint Commission both the Village Board & the Town Board need to pass that and the Village Board passed that at our Monday Meeting. Vice Chairperson Lauri Taylor then asked Commissioner Schmitt if the Town had passed their second seat. Commissioner Schmitt responded that they had not because he didn't realize that the Village had done that this week. Chairperson Lauri Taylor told Commissioner Schmitt that it didn't matter when they did it. Commissioner Schmitt responded that they would do it at their next meeting. Vice Chairperson Taylor said that would be good because that would be before the Commissions next meeting and then at that point maybe Dave Daniels could start revising the IMA. Mr. Daniels said that wouldn't be a heavy lift. Mr. Daniels also said he wanted to clarify in looking over the Agreement that we had talked about the Town being able to have an alternate, the Agreement is actually called a Deputy Commissioner that the Town Supervisor would appoint. The way it's worded is there is one Deputy for

each Commissioner so that you have two – Commissioner Schmitt interjected saying that was his question, that he would make the decision and then bring it back to the Commission. Mr. Daniels said that is how it is now, that Commissioner Schmitt would appoint someone or appoint himself as a Commissioner, and then he would appoint who the Deputy would be. Vice chairperson Taylor said she would prefer it be known as an alternate rather than Deputy. Mr. Daniels said he could word it that way. Vice Chairperson Taylor asked if there would be one alternate for each Town person of the Commission or is it just one alternate. Mr. Daniels said you can do whatever you want. Commissioner Locascio asked what was the Resolution that we passed. He thought it was just for one alternate in addition to the two seats held by the Town. Mr. Daniels then asked what if neither Town member could come to a meeting? – Commissioner Schmitt interjected that he felt it would be better to have one alternate for each Town seat, not just one in total. Mr. Daniels said he would like to clarify what was said in the last meeting. Vice Chairperson Taylor said then the alternates would have to be identified too, that you just can't have anyone. Mr. Daniels agreed. Commissioner Schmitt said why couldn't we have just one alternate that could sit in for either one of us. Mr. Daniels said that would be fine. Commissioner Locascio said that was how he understood it to be. Mr. Daniels said it certainly can be done that way, but what if both Town Commissioners couldn't be at the meeting? Vice Chairperson Taylor said why don't we let the Town go back and discuss it and to then let us know. Commissioner Schmitt agreed to that. Vice Chairperson Taylor said then we won't move forward with revising the IMA until we have your vote on the second seat and your Boards decision on having one or two alternates. Commissioner Schmitt said they would so that and thanked Vice Chairperson Taylor. Commissioner Locascio then said he didn't think it was brought up in the previous discussion, but the Budget was already approved – Vice Chairperson Taylor interjected and Commissioner Schmitt agreed, that we don't really have the money for the stipend. Commissioner Locascio said he feels if we give it another month or two before putting the additional person in the seat we would at least be half almost halfway through the year. Vice Chairperson Taylor asked if we should fill the seat now and give them the not pay the stipend. Commissioner Schmitt said why don't we just do a Budget Amendment, we can't ask someone to do it for free

MOTION by Commissioner Locascio to approve the February 9, 2023 Business Meeting Minutes as presented, **SECONDED** by Commissioner Burweger. There was no discussion; all were in favor and motion carried.

MOTION by Commissioner Meyer to approve the February 2023 Treasurer's Report as presented, **SECONDED** by Commissioner Locascio. There was no discussion; all were in favor and motion carried.

MOTIONED by Commissioner Locascio to approve the February 2023 Voucher's Report as presented, **SECONDED** by Commissioner Burweger. There was no discussion; all were in favor and motion carried.

MOTIONED by Commissioner Burweger to approve the transfer \$104,558.36 from O&M Acct. ending in 0030 to Checking Acct. ending in 0190 to pay February 2023 Vouchers, **SECONDED** by Commissioner Meyer. There was no discussion; all were in favor and motion carried.

MOTIONED by Commissioner Locascio to move \$1,000.00 from Administrative Line number 13042.4 to Fuel Line number 13041.3, **SECONDED** by Commissioner Burweger. There was no discussion; all were in favor and motion carried.

MOTIONED by Commissioner Burweger to move \$700.95 from Legal Line number 13042.2 to Fuel Line # 13041.3. **SECONDED** by Commissioner Locascio. There was no discussion; all were in favor and motion carried.

Vice Chairperson Taylor opened for discussion Ref. # 08.23 Customer 10019 requesting relief of penalty charged for a late payment on the sewer account. It is the understanding of Vice Chairperson Taylor that this person's mother passed away and the son is taking over the payments on the account. Vice Chairperson Taylor continued saying the Village Board had approved the waiver of penalty on the water account at their Monday Meeting.

MOTIONED by Commissioner Meyer to allow the waiver in the amount of \$36.28, **SECONDED** by Commissioner Burweger. There was no further discussion; all were in favor and motion carried.

Vice Chairperson Taylor opened for discussion Ref. # 15.23 – Price quote in the amount of \$839.63 from Winwater for pipe to be installed at the WWTP for maintenance efficiency. Vice Chairperson Taylor called upon Jason Kadish of H2O Innovations. Justin explained they currently they have two disc filters which are the second to last part of the treatment and there are 3 drains on each filter and the way it is set up now they have to disassemble each section every time they need to drain the disc filters & reassemble each section when they are done. If they can install one contiguous pipe they will be able to just open the pipe up at the end and drain both disc filters at once. This would be a big time saver. Vice Chairperson Taylor asked if anyone had any questions, Commissioner Locascio said Justin had explained it pretty good. **MOTIONED** by Commissioner Burweger to approve the purchase of the pipe, **SECONDED** by Commissioner Meyer. There was no further discussion; all were in favor and motion carried.

Vice Chairperson Taylor opened the discussion of 73 & 71 West Main Street sewer backup & connection issues and called upon Dan Stone, Engineer from LaBella; Mr. Stone said the first weekend in February there was a blockage reported in 73 West Main and upon investigation it turned out there was a blockage in the lateral within the public right of way approximately 20 feet away from a terminal manhole. Also upon investigation there were two houses that were connected to a single lateral to that manhole. No one has records of how or when that was installed that way. The Villages procedure is that every house should have and has we believe its own lateral so the Village determined upon my recommendation that they would install new laterals from one manhole to 73 and from the second manhole to 71 to extend that lateral through the public right of way to the property boundary. The local regulations say the entire lateral is the responsibility of the homeowner after being built by the Village, however since things happened the way they happened the Commission should consider whether they should pay for that component of the sewer in the public right of way as opposed to making that an obligation of the homeowner. At 73 its fully hooked up all the way to the house at 71 the homeowner is evaluating the contractors to make the connection where the Village left the pipe at the edge of his property to either the existing pipe or a homerun all the way back to his house. The Mayor & I met with him earlier this week and informed him that if there are any angles in that pipe he has to install a clean out so there is a straight shot to the manhole and he fully understood that. Vice Chairperson Taylor thank Dan and said she would like to make the motion that the Sewer Commission will absorb the cost of putting those

laterals in and not passed the cost on to the two residents that this affected, I think it's the right thing to do. Commissioner Locascio asked if there could be a brief discussion because he wanted to clarify so from the manhole to the property line basically, Vice Chairperson Taylor respond yes and continued to say legally any other thing that we can do as a Government, we can't – Commissioner Meyer interjected and asked, so basically the blockage was on our pipe. Vice Chairperson Taylor responded yes, Commissioner Meyer continued so because there was one lateral shared. Mr. Daniels spoke and said just to be clear, after the original construction the full responsibility for the lateral from the main to the house is on the homeowner which obviously if it's in the street then the Commission has to over-see it and that's why when there are new installations it's the same thing, they pay. Vice Chairperson said and legally we can't go on somebody's property and fix things because that's considered a gift, but in our right of way and that's why we are doing the laterals to the property line because we can do that portion. Commissioner Meyer said he was OK with that. Vice Chairperson Taylor asked if anyone had anything else, Commissioner Locascio said he was good.

MOTIONED by Vice Chairperson Taylor that the Commission pay for the portions of work we have done, the two laterals. **SECONDED** by Commissioner Locascio. There was no further discussion; all were in favor with the exception of Commissioner Schmitt who abstained as one of the properties is owned by a family member. Motion carried.

Vice Chairperson Taylor asked Commissioner Schmitt if he had any news on the Castagna project. Commissioner Schmitt responded, that they are under construction and that the site work is in fully ongoing there for the eighty-one units and asked Jim McCarthy who was in attendance if it was eighty-one units. Jim McCarthy said it is eight units. Commissioner Schmitt said he spoke with the Town's building inspector today regarding ASPCA and he is going to be issuing them a permit shortly as well and he is reviewing all of their plans right now so we expect that project to be going in the next couple of weeks. Mr. Stone asked if the Health Department had finally approved everything, Commissioner Schmitt said he thought so but he hadn't asked, but they are requesting their permits so he was assuming that they did. Mr. Stone said he would check with Jim Teed because as of three weeks ago he was ready to approve the sewer, but he would not approve the sewer unless the water was concurrently approved and the engineer for the water side had not fulfilled his – Commissioner Schmitt interjected and again said he had not asked about the Health Department, but he would assume they did because why would they come in for the permits because they know that they can't get their permit without that stuff, but the building inspector was reviewing the plans today, so I am going to think that they are there because he (the building inspector) plans on getting them out in the next couple of weeks. Vice Chairperson Taylor thanked Commissioner Schmitt.

Vice Chairperson Taylor opened for discussion an update for the West Main Street Pump Station Upgrade and said she believes we are still waiting for NYSEG. Christine responded that NYSEG is what we are waiting on and she had given Patrick from Foremost Electric our contact at NYSEG and Patrick did reach out to him, but she hasn't heard anything further from Foremost Electric.

Vice Chairperson asked Mr. Daniels if he had anything else and he responded no. Vice Chairperson asked Dan if he had anything else, he responded that he wanted to add to what James talked about with Castagna, he had received an email from the design engineer also telling us that they were starting construction and I wrote back to make certain that there would be full time inspections provided by the design engineer and

photographic memory of the raw trench, the bedding getting to the spring line and the bedding envelope around the spring line. It is the intent of the design and the prior approvals of this Commission that you will own & operate from the septic tank all the way to the pump station so I want to be certain that those facilities that will ultimately be dedicated are fully inspected by a competent person and that documentation is provided and they will certify to the Health Department and to us that the facilities were constructed in substantial conformance with the approved plan. Justin, Rich and I met the field people so we are welcome to go and visit the site at any time, we have contact information for the superintendent and the contractor that will be there. Mr. Stone thanked Commissioner Schmitt for the update on the ASPCA and said he would reach out to Jim Teed. Commissioner Schmitt responded and said sure.

Mr. Stone addressed the Commission and said within your packets I have provided a draft resolution for your consideration that states the Commissions intent to adopt new rates. The idea, and we've been talking about this for about a year and a half and the idea would be to ask the Town Board and the Village Board to do whatever they need to do under Town Law and Government Municipal Law and the IMA to allow the Commission to set final rates. The resolution also says you would like to use this new system in the September 2023 cycle and you are asking both municipalities to do whatever they have to do and get it back to this Commission so it can take its final action in July. We have also drafted letters from the Chairman to the Supervisor and the Mayor and those are in your packet as well for your review and consideration. Vice Chairperson Taylor said we will all read through this and this will be an Agenda item for next month. Mr. Stone said if you could take the time now, all you are doing is declaring your intent – Vice Chairperson Taylor interjected and said so you're asking us to pass the resolution tonight, but the letters would be after the fact? Mr. Stone said that will give the Village Board and the Town Board as much time to do as much as possible between now and July because it's going to take some time. There was a pause while the Commission looked through the documents provided by Mr. Stone. Vice Chairperson Taylor said so this is just saying it is the intent of the Commission to pass the rates at our July meeting. Mr. Daniels asked to see the "resolution" crafted by Mr. Stone. There was another pause while Mr. Daniels reviewed the document. Mr. Daniels asked after he reviewed the document if it was intended to be binding because it was a little unclear to him because the Commission really has the power to decide this, because this is really not a request for the Town or the Village because the Commission runs the show, so if you pass this resolution tonight you are really just saying this is what the rates are. Commissioner Schmitt asked how the new rates compared to the current rates, like for a single family home with minimal use. Mr. Stone responded that the new rates would be a little lower for an average single family home. Mr. Stone continued that in the past there was a significant declining structure for both water & wastewater so the biggest user essentially were being subsidized by the little users. Commissioner Schmitt said this was good because it would help the smaller users. Mr. Stone said there were approximately 560 accounts that will get a decrease of the 800 or so customers or some will get a significant increase and some just an increase. Commissioner Schmitt ask if that was toward the higher users and Mr. Stone responded yes. Vice Chairperson Taylor said this is March so she suggested that the Commission wait until next meeting to pass the resolution so there could be further discussion and she asked if everyone else felt comfortable enough that they would want to pass the resolution during this meeting. Commissioner Locascio said that Mr. Stone had done a presentation for the Village Board and for the Commission previously and since it's going to be an increase and it seems that it will be ultimately up to the Commission to accept it which he was sure the Commission probably would but since we didn't have a Public Hearing last time when this was presented Commissioner Locascio felt it would be a good idea for Mr.

Stone to present this again not necessarily a Public Hearing, but so the Commission could be sure that the customers are aware and have the opportunity to attend the Meeting. Mr. Daniels said there are things that have to be done, so there is a timeline that needs to be adhered to. Vice Chairperson Taylor said so if we are looking to do this in July we need to figure out when – Mr. Daniels interjected and said well maybe something needs to be scheduled, a special meeting – Commissioner Meyer asked Commissioner Locascio if he wanted a presentation to be done for the public. Commissioner Locascio responded it is only because he thinks this would get the word out there a little bit more. Commissioner Meyer agreed. Commissioner Locascio said we can put it up on the website so people aren't blindsided by it because the bigger users are going to be going up, you know the larger users. Commissioner Schmitt asked Mr. Daniels if we needed to have a public hearing, Mr. Daniels said the apportionment will – the two municipalities – I don't know about the Town but everybody who gets the apportionment will have the right to challenge how it's set up and the appeal process...so that's what I was talking about the appeal process, we have to make sure we give both municipalities enough time to go through the processes. Mr. Stone said that's exactly why I wanted to get this out as a non-binding document, I didn't think this was a binding document – in my view it was a “we intend to do it at some point so gives us what you got”... so if Mr. Daniels interprets that as binding... Mr. Daniels said he thought it was otherwise then it doesn't really mean anything – you are either doing it or you're not – Mr. Stone said so it is subject to all those things that the Village has to do and possibly the Town and he is not familiar with what the Town would have to do. Commissioner Schmitt said he would agree with Mr. Daniels that once we take a vote as a Commission then it's then voted. Mr. Daniels said that it doesn't mean that the Village or the town couldn't make sure that things are getting set up – Vice Chairperson Taylor agreed. Commissioner Meyer said he didn't think one more month would kill us and he thought Commissioner Locascio had a good idea to put it out there one more time to the public – Commissioner Schmitt agreed – Commissioner Meyer continued that way everyone is clear on what our rates are going to be and he realizes that Mr. Stone has done it before but it would be good to present it one more time and this way it can't be said that we didn't put it out there to the public. Commissioner Locascio said especially with the Town moving forward with their sewer district and we have generated a lot of new interest with people that weren't involved before are now coming to meetings. Commissioner Schmitt said they (the Town) would be voting on that next month and they had just had a meeting about that the day before. Vice Chairperson Taylor said this would be an Agenda item for the following month and obtain a timeline & steps to follow from Mr. Daniels for the next meetings so that both the Village and the Town understand what responsibilities we have and what steps we have to take. Commissioner Schmitt agreed. Vice Chairperson Taylor continued saying and then when we have that timeline to work with of when we have to get this done. Commissioner Schmitt said they (the Town) could put this on their Agenda next month as well. Commissioner Locascio asked Mr. Stone if not next month perhaps he could do the presentation the following month – Mr. Stone said May was going to be a tough month for him – Vice Chairperson Taylor said it's April when Mr. Stone will be here – Commissioner Locascio asked if we could do the presentation in April – Mr. Stone said yes – Commissioner Locascio said then we could vote on it that night if we wanted to – Vice Chairperson Taylor asked Christine if we could live stream the meeting – Christine agreed it would be a good idea and then asked if we need to notice the meeting as a Public Hearing – Commissioner Schmitt said Mr. Stone could also present it at the Town Board meeting next month as well which would be on April 12, 2023. Mr. Stone said he would be happy to do that. Commissioner Meyer said he felt we should have it live streamed at the next meeting. Mr. Daniels said he was not aware of any requirements for the Commission to have a Public Hearing but you could. Commissioner Meyer felt having

the meeting the following month live streamed would give everybody access to the presentation. Commissioner Locascio said he didn't know if we had to pass any resolutions to start live streaming the meetings. Vice Chairperson Taylor asked Mr. Daniels if there was anything we would need to do in order to live stream that meeting – Mr. Daniels responded not at all, you can have informational meetings live streamed – Vice Chairperson Taylor said because then it would be on our Youtube and then anybody could watch it at any time. Commissioner Locascio said we could label it as an informational meeting – Mr. Daniels said you could do a Public Hearing or informational, whatever you want to call it...for the Commission they issue their findings or directives or whatever of how things are supposed to operate and then the municipalities are the only ones that can legislate or pass resolutions to find their respective tax payers. Commissioner Schmitt said they would have it on their next month's Agenda so Mr. Stone could make his presentation and he could answer any questions that the Board had...Vice Chairperson Taylor said Mr. Stone didn't even have to do the whole presentation but he could tell them that they could watch or come to the Commission's meeting the following night.

Commissioner Locascio asked before moving on with the meeting, he had a question about what Mr. Stone had said regarding Castagna... he wanted to know if from their septic out to the road was going to belong to the Commission – Mr. Stone responded that we would own and operate the septic tank and we will have an easement to go on their property. Commissioner Schmitt asked if it would be inspected by an engineer – Mr. Stone said the design engineer would certify that it was constructed correctly according to the plan and we will have photo documentation, and he and Justin have the right to go anytime to do a spot check, but Mr. Stone was told by the engineer that they would have full time inspection which was important to him because when you're not there, the contractor does what they do. Mr. Stone said he was comfortable with this engineer and he is comfortable that they will do the inspections and that we will get the documentation. Commissioner asked Mr. Stone again if it would then become our responsibility and Mr. Stone said yes we will own, operate & maintain those septic tanks... the big advantage is that right now at the Castagna pump station from the existing building we are getting a phenomenal amount of solids and so this will eliminate this from the new buildings and I have spoken with the Commission and the previous Chairman at length about putting septic systems at the two new buildings and again, protecting the pump station because the new sewer district will all be step-stag, so the two existing buildings will be the only buildings that are not step-stag and he has had preliminary discussions with the owner and they are willing to work with us and the Commission will have to figure out how it might want to share those costs of those things because this is something that wasn't required from them – Vice Chairperson Taylor said she knows it's a problem with the rags jamming up everything and it's an expense so if that might get rid of that problem then it might be worth it. Commissioner Schmitt had one more question about the rate sheet and asked Mr. Stone what the difference was between public schools and non-public & non-residential schools & residential schools because the rates are drastically different. Mr. Stone responded that the only residential school we have is Trinity Pawling and they are absolutely the Commission's biggest user and these rates are a significant increase, and so the rates were tailored to make that increase within reason for Trinity Pawling...the other schools are public schools and Mizzen-top are also going to see an increase – Commissioner Schmitt asked if Mizzen-top would be considered the non-public, non-residential school – Vice Chairperson Taylor & Mr. Stone responded yes.

Vice Chairperson Taylor asked Justin of H2O if he had anything to report from the WWTP – Justin said they have all the backup pumps set up, so if we have a faulty pump, we have

one prepared as backup. Justin added that the pipe that the Commission agreed to purchase will be very helpful and a big time saver for them to do required maintenance otherwise everything else is working great. Vice Chairperson thanked Justin.

Commissioner Meyer made a **MOTION** to close the meeting and to go into public comment. Commissioner Burweger **SECONDED** there was no further discussion; all were in favor, **MOTION CARRIED**. Time 8:06 PM.

Jerry Locascio, Secretary