

DATE OF MEETING: November 7, 2022

PLACE OF MEETING: Village Hall, 9 Memorial Avenue, Pawling, New York

KIND OF MEETING: Special Meeting

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

CONSULTANTS PRESENT: None

At 6:00 PM the Special Meeting of the Pawling Joint Sewer Commission was called to order by Chairman Dan Peters with the Pledge of Allegiance.

Chairman Peters explained the purpose of the Meeting was to approve the Resolution regarding Easement Agreement Between Jucca Company as Grantor and the Town of Pawling and Pawling Joint Sewer Commission as Grantees. This Resolution gives the Pawling Joint Sewer Commission access to the sewage facilities located on the Castagna Property as we will be maintaining the sewage facility.

At a Meeting of the Pawling Joint Sewer Commission held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 7<sup>th</sup> day of November, 2022, at 6:00 PM

**RESOLUTION OF THE PAWLING JOINT SEWER COMMISSION**

***Identifier: Resolution re: Easement Agreement Between Jucca Company as Grantor and the Town of Pawling and Pawling Joint Sewer Commission as Grantees***

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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 Gerald Locascio  
\_\_\_ Commissioner John Burweger  
\_\_\_ Commissioner Thomas Meyer  
\_\_\_ Commissioner Lauri Taylor  
\_\_\_ Commissioner James Schmitt

The following Resolution was proposed by Commissioner Daniel Peters, who moved its adoption, and seconded by Commissioner Lauri Taylor.

**WHEREAS:**

A. Jucca Company owns a certain piece or parcel of land in the Town of Pawling (“Town”), County of Dutchess, State of New York which is comprised of approximately 196.5 acres, identified on the tax map of the Town of Pawling as parcels #134089-7056-00-668008 and 134089-7056-00-611351 (hereinafter “Jucca Property”).

B. The Village of Pawling (“Village”) owns a sewage treatment plant which is located within the jurisdictional limits of the Village (“Sewer Plant”).

C. The Town and Village have entered into a Municipal Cooperation Agreement pursuant to which the PJSC has been established and is authorized to enter into agreements with users of the Sewer System.

D. The Jucca Property is currently served by Town Sewer District No. 3.

E. Jucca Company has prepared plans and specifications (“Plans”) for additional sewerage facilities including pretreatment in the form of on-site septic tank(s) (“Sewerage Facilities”) to be constructed and located on the Jucca Property.

F. The area of the Jucca Property subject to the easement (“Easement Area”) will be on a portion of the Jucca Property to be approved by the PJSC Engineer;

G. The Plans have been submitted to the Dutchess County Department of Behavioral and Community Health (“DCDBCH”) for review and approval.

H. The Plans have been submitted to the PJSC engineer for review, pending acceptance and approval of the Plans by the DCDBCH.

I. Upon approval by the DCDBCH and the PJSC, it is the intent of the Jucca Company to offer for dedication the Sewerage Facilities to the Town;

J. PJSC, the Town and Jucca Company have discussed entering into an easement agreement upon the following terms:

1. Jucca Company will establish and grant a perpetual easement and right-of-way on, over and through the Easement Area pursuant to which the PJSC and the Town shall have the right of:

i. ingress and egress to all dedicated and accepted Sewerage Facilities on property of Jucca Company for the purpose of operation and maintenance of the sewerage facilities, and

ii. ingress and egress to all dedicated and accepted Sewerage Facilities on the property of Jucca Company for the purposes of replacement in kind of any failed facility, inspect, operate, clear, clean, maintain, alter, expand, repair and replace the Sewer Improvements from time to time.

2. This Easement shall include a work area around the Sewerage Facilities that extends fifteen (15) feet around the dedicated Sewerage Facilities.

**NOW, THEREFORE, BE IT RESOLVED** that the PJSC approves the foregoing easement terms and authorizes Commission Chairman Daniel Peters to execute an easement agreement containing terms substantially as set forth in this resolution and such other documents and to take such action as he may deem necessary or advisable in order to effectuate this Resolution.

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	<u>√</u>	—	—
Commissioner Gerald Locascio	<u>√</u>	—	—
Commissioner John Burweger	<u>√</u>	—	—
Commissioner Lauri Taylor	<u>√</u>	—	—
Commissioner Thomas Meyer	<u>√</u>	—	—
Commissioner James Schmitt	<u>√</u>	—	—
TOTAL	<u>6</u>	<u>0</u>	<u>0</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 7th day of November, 2022, 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 7th day of November, 2022.

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Christine A Brown  
Commission Secretary

Chairman Peters made a **MOTION** to adjourn the meeting. **SECONDED** by Commissioner Schmitt. All were in favor, **MOTION CARRIED**. Time 6:10 PM There was no one in attendance from the public.

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Jerry Locascio, Secretary