

DATE OF MEETING: November 8, 2018

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

KIND OF MEETING: Regular Business

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

CONSULTANTS PRESENT: Karl Sundblom of Inframark
Joe Zarecki of Zarecki Associates
Catherine Monian of Chazen Companies

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 Peters to;

- Approve the October 11, 2018 Business Meeting Minutes as presented
- Approve October 2018 Treasurer's Report as presented
- Approve payment of October 2018 Vouchers/Bills as presented and Nov. 2018 prepay vouchers

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

New Business

MOVED by Commissioner Liffland to approve sewer bill penalty waiver request's addressed in Ref.#10718. **SECONDED** by Commissioner Slocum. Commissioner Liffland told the commission that the village approved the waiver on the water part. All were in favor and motion carried.

MOVED by Commissioner Liffland to approve Pay Request No. 8 for \$193,978.60 to OCS Industries, Inc. Ref.#10418. **SECONDED** by Commissioner Slocum. All were in favor and motion carried.

MOVED by Commissioner Taylor to approve Pay Request No. 6 for \$180,381.25 to J&J Sass Electric. Ref.#10518. **SECONDED** by Commissioner Burweger. All were in favor and motion carried.

Resolution approving extension of Capacity Reservation and Sewer System Connection Agreement with Jucca Company for 60 months from December 13, 2018.

Chairman Peters said that the sentence in the resolved on page 2 that says "Jucca Company and its successor in interest to the Agreement, Jucca Company, LLC are not in breach of default of the Agreement" will be removed in the final version as follows:

At a Meeting of the Pawling Joint Sewer Commission held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 8th day of November, 2018, at 7:00 PM

RESOLUTION OF THE PAWLING JOINT SEWER COMMISSION

Identifier: Resolution approving extension of Capacity Reservation and Sewer System Connection Agmt with Jucca Company for 60 months from December 13, 2018

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 Liffland.

WHEREAS, the Pawling Joint Sewer Commission (“Commission”) and the Jucca Company (“Jucca”) are parties to the Capacity Reservation and Sewer System Connection Agreement (“Agreement”) dated December 13, 2013 which provides for the construction and completion of a connection to the Sewage Collection System and Wastewater Treatment Plant that is managed by the Commission (“Sewer System”); and

WHEREAS, § 2.8 of the Agreement provides for an initial reservation period ending 60 months after the effective date of the Agreement, and provides for the extension of the initial 60 month reservation period by the Parties, which extension “shall not be unreasonably withheld”; and

WHEREAS, by letter from Jucca’s counsel, Keane & Beane dated October 19, 2018, the Jucca Company has requested an extension of the Agreement’s reservation period by 60 months for the reason that the formation of the sewer improvement district by the Town of Pawling Town Board which is necessary to facilitate the development of the Jucca development plan has not yet been completed;

NOW, THEREFORE, BE IT RESOLVED that the Commission finds that the incomplete status of the formation of Town of Pawling Sewer District No. 3 is a rational justification for the extension of the reservation period of the Agreement, that the expiration of the reservation period is due to occur on December 13, 2018, and therefore the requested extension of 60 months is approved and shall be effective on December 13, 2018.

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 Robert Liffland | <u>√</u> | — | — |
| Commissioner John Burweger | <u>√</u> | — | — |
| Commissioner Earl Slocum | <u>√</u> | — | — |
| Commissioner Lauri Taylor | <u>√</u> | — | — |
| Commissioner James Schmitt | <u>√</u> | — | — |
| 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 8th day of November, 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 8th day of November, 2018.

Linda Murray, Commission Secretary

Resolution to discuss Castagna Tenancy Agreement for O&M and Debt Reduction Charges (AMENDED) ⁴ Ref.#11218

RESOLUTION TO DISCUSS CASTAGNA TENANCY AGREEMENT FOR O&M AND DEBT REDUCTION CHARGES (AMENDED) ⁴

MOVED by Commissioner Liffland and SECONDED by Commissioner Taylor.

WHEREAS, on December 13, 2013 the Pawling Joint Sewer Commission (“Commission”) and JUCCA Company (“JUCCA”) entered into a Sewage Capacity Reservation and Sewer System Connection Agreement (“Agreement”) to permit JUCCA to connect to the Commission sewer system and receive sewer service by contract with the Commission; and

WHEREAS, the Agreement §4.6 requires JUCCA and other owners of the JUCCA property to “pay use, operation and maintenance charges [...] as determined by the [Commission] from time to time.”

WHEREAS, it is the desire of JUCCA’s successor in interest to the Agreement, JUCCA Company, LLC and the Commission to discuss the Agreement to provide for the changes to the debt reduction and operation and maintenance billing system being made by the Commission and Village of Pawling as being accounted for in the Tenancy Agreement;

BE IT RESOLVED that the Chairman of the Commission is authorized to communicate with JUCCA to discuss with them of possible changes being made to the debt reduction and operation and maintenance billing system and address with them a suitable proposals for the Agreement to account for such changes; and

BE IT FURTHER RESOLVED that counsel and Chazen Engineering is authorized to assist the Chairman in this venture with JUCCA.

| Vote | Aye | Nay |
|----------------------------|----------|-----|
| Chairman Dan Peters | √ | |
| Vice Chairman Rob Liffland | √ | |
| Commissioner Burweger | √ | |
| Commissioner Slocum | √ | |
| Commissioner Taylor | √ | |
| Commissioner Schmitt | √ | |
| TOTAL..... | <u>6</u> | |

MOVED by Commissioner Taylor to approve Technical Services Change Order for billing software. Ref.#11018. **SECONDED** by Commissioner Schmitt. All were in favor and motion carried.

2019 Budget

Chairman Peters said that everyone received a copy of the proposed 2019 sewer budget Ref.#11718 and he’ll set the date for the public hearing for December 13, 2018. He said basically a budget is a compilation of the projections for next year’s expenditures, some have gone down, some have gone up a little bit. It is still a work in progress. They are engaging in conversations with the consultants and he’ll have the completed budget ready for the public hearing.

Current Projects

Village-Wide Extension of Sewer District No. 1 – Chairman Peters said they are working on it and hopefully there will be a presentation ready for the December meeting.

New Rate Structure and Billing Software – Chairman Peters said they have eliminated the hookup fee and they are in the process of getting a new software program that will work with our rate structure.

WWTP Improvement Project – Chairman Peters asked Catherine Monian if she has anything to talk about.

Catherine said that things are proceeding according to schedule.

Cedar Valley Water Meter Replacement Project – Chairman Peters said they put the project out to bid and didn't get any bids back. He said they are currently discussing things with their operator to let them do the project. Inframark will give PJSC a proposal for the project.

Joe Zarecki reported that they are still working on the SSES, they are going to do some pipe cleaning along the lines along the railroad tracks and where the line crosses under it. He said there is some grease build up they want to clear out.

Chairman Peters said that this is the second time in a month there has been a clog in this line and they're going to put out a bill stuffer when the next bills go out about rags and grease.

There was discussion about the 90° bend in the pipes that go under the railroad tracks. They are looking into what they can do about that bend.

Pump Station Upgrade Project – Karl Sundblom of Inframark said they are coming along, they just have 2 more panels to do, West St. and West Main St.

Commissioner Burweger said that they have a generator, a large one that is inoperable at the moment, it failed about a year ago. He said it has a fuel delivery problem and it has a leak in the water pump, maybe radiator issue as well. John said he had a guy come in to look at it who is a pretty experienced guys who gave them an upside number of \$8,000.00 to fix it. He said it probably could be done for less.

John did the math with what we are paying for rental currently and need until the new plant when they can switch over to the new generator, and the cost of this fix for the generator. He said if they can get this generator fixed for \$8,000.00 as an upside number, they're still ahead of the game and then they can sell the generator for what they're paying to repair it, or, keep it for a backup for somewhere else with the community.

MOVED by Chairman Dan Peters to have the generator repaired with the cost not to exceed \$8,000.00 as per quote, Ref.#11418, SECONDED by Commissioner Schmitt. Commissioner Liffland said he'd like to see the PJSC get a grant for it if they have it as shared services with the town. All were in favor and motion carried.

MOVED by Commissioner Burweger to close the meeting and adjourn. **SECONDED** by Commissioner Slocum. Time: 7:21 p.m. All were in favor and motion carried.

Earl Slocum, Secretary