

Supervisor James Schmitt opened the Regular Meeting of the Town Board of the Town of Pawling at 6:00 PM September 9, 2020 at the Lathrop building, 2 Lakeside Drive, Pawling, New York. Present were Councilmen DeRosa, Johnson, Councilwoman Snow, Town Attorney Nancy Tagliafierro and approximately 7 interested citizens. Councilman McCarthy was absent. The meeting was also broadcast live on Facebook on the town Facebook page at www.pawling.org. The Board took comments in person, through Facebook and by email. Due to Covid 19 restrictions, there was a limited capacity of 48 persons maximum allowed in the building. Social distancing and masks were required. Registration to attend the meeting was required.

MINUTES

Supervisor Schmitt made a motion to accept the minutes of August 12, 2020, seconded by Councilman Johnson and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Schmitt opened the meeting for public comment on agenda items, there were none.

CONSENT AGENDA

Resolution 2020116 Payment of Bills for the Town of Pawling

Whereas, the Town of Pawling Bookkeeper has reviewed and prepared the vouchers for and has offered them for review, and

Whereas, the vouchers have been approved in accordance with the Town of Pawling policy, and

Whereas, the vouchers have been numbered 20202791 through 20202894 now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$487,155.86.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020117

Approval for Pawling Town Court to Apply for Funding Through the Justice Court Grant Assistance Program (JCAP)

Whereas, the Unified Court System administers the Justice Court Assistance Program (JCAP) to assist municipal courts with improvements including security enhancements, renovations and furnishings, and

Whereas, the Pawling Town Court will be applying for a grant through JCAP to install a bullet resistant Court office door with a built-in transaction window, therefore, be it

Resolved, that the Town of Pawling Town Board authorizes the Pawling Town Court to apply for a JCAP grant in the 2020-21 grant cycle up to \$30,000 or the exact amount being requested.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

Resolution 2020121

Adoption of Retention & Disposition Schedule for New York Local Government Records (LGS-1)

RESOLVED, by the Town Board of the Town of Pawling that Retention and Disposition Schedule for New York Local Government Records (LGS-1), issued pursuant to Article 57-A of the Arts and Cultural Affairs Law, and containing legal minimum retention periods for local government records, is hereby adopted for use by all officers in legally disposing of valueless records listed therein.

FURTHER RESOLVED, that in accordance with Article 57-A:

- a) only those records will be disposed of that are described in Retention and Disposition Schedule for New York Local Government Records (LGS-1), after they have met the minimum retention periods described therein;
- b) only those records will be disposed of that do not have sufficient administrative, fiscal, legal or historical value to merit retention beyond established legal minimum periods.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020122
Authorization for Laberge Group to Prepare a Study on Consolidation of the Town and Village of Pawling

WHEREAS, on July 31, 2020, the Pawling Town Clerk received a Petition for Local Government Consolidation, filed pursuant to General Municipal Law §757(1) (the “Petition”), calling for a referendum on the consolidation of the Village of Pawling (the “Village”) and the Town of Pawling (the “Town”); and

WHEREAS, on September 1, 2020, the Town Board enacted a resolution calling for a referendum on the proposed consolidation of the Village and the Town by the electors of the Town of Pawling, and set the date for such referendum as November 30, 2020; and

WHEREAS, since then, a great deal of misinformation has been disseminated on social media and by other means regarding the referendum and the proposed consolidation, specifically whether the consolidation would result in a cost savings to the residents of the Town of Pawling and the Village of Pawling; and

WHEREAS, in an effort to provide reliable information and facts to the Town’s residents, the Town Board believes it is necessary that a study be prepared regarding the proposed consolidation to provide such information to the Town’s residents; and

WHEREAS, on or about August 5, 2020, Laberge Group provided to the Town Board a proposal for (i) developing an interim Village and Town study, the (“Study”); and (ii) writing a Citizen’s Reorganization Empowerment Grant (“CREG”), if such grant is still available, to reimburse the costs of the Study; and

WHEREAS, Laberge proposes to prepare the Study and CREG grant application at a cost of \$27,500-\$35,000, plus reimbursable expenses; and

WHEREAS, Laberge has demonstrated it has the experience and skills necessary to prepare the interim study and to prepare the CREG grant; and

WHEREAS, consulting firms such as Laberge constitute professional services and are therefore exempt from the public bidding requirements of the General Municipal Law and the Town’s Procurement Policy; and

WHEREAS, the Village of Pawling Board of Trustees has been authorized to pay for one-third of the cost of the proposal;

NOW, THEREFORE, it is:

RESOLVED, that the Town Board of the Town of Pawling engage Laberge Group to prepare the Study and CREG grant consistent with the Proposal at cost of up to \$35,000, plus reimbursable expenses; and

IT IS FURTHER RESOLVED that the Town of Pawling will pay two-thirds of the costs and the Village of Pawling will pay one-third of the costs of the Study and CREG grant.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Resolution 2020123
Accepting Dedication of Sewerage Equipment

WHEREAS, by a certain irrevocable Offer of Dedication For Sewerage Facilities dated April 29, 2016, and recorded in the Dutchess County Clerk's Office on May 3, 2016 as Document # 02-2016-2748, JUCCA Company LLC, a New York LLC having an office at 2110 Northern Blvd., Manhasset, New York 11030 ("Grantor") offered for dedication certain sanitary sewerage facilities to the Town of Pawling, a municipal corporation with an office at 60 Charles Colman Blvd., Pawling, New York 12564, on behalf of the Town of Pawling Sewer District No. 3, a public sewer district established by authority of Article 12 of the Town Law, and the Pawling Joint Sewer Commission, the executive authority established by the Town of Pawling and the Village of Pawling pursuant to Article 5-G of the General Municipal Law by the Agreement of Municipal Cooperation for the Construction, Financing and Operating of an Inter-Municipal Sewer Interceptor, Treatment and Disposal System dated February 16, 1983, (hereinafter, collectively "Grantee"), a copy of the Offer of Dedication is annexed hereto and incorporated herein by reference; and

WHEREAS, the Town Board of the Town of Pawling wishes to accept the offer of "[a]ll sanitary sewerage facilities located in the public right of way on Route 22 as constructed for and on behalf of Jucca Company LLC, together with the sanitary sewerage facilities in the access roadway to Jucca Company's LLC's property" as further described in the Offer;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling hereby accepts the Offer of Dedication, and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby authorizes and directs the Supervisor to execute any and all documents in such form as is satisfactory to the Town Supervisor and the Town Attorney, and to take whatever other actions may be necessary to give effect to this resolution.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – "AYE"

Councilman DeRosa – "AYE"

Councilman McCarthy – "ABSENT"

Councilwoman Snow - "AYE"

Supervisor Schmitt – "AYE"

Resolution 2020124
Approving 2020 Capital Costs and O &M Costs for The Wastewater Treatment Plan
Pursuant to 425-2 of the General Municipal Law

WHEREAS, the Village of Pawling has undertaken a project ("Project") involving the planning, design and construction of an upgrade and expansion of its Waste Water Treatment Plant ("WWTP") and Sewer System ("Sewer System"); and

WHEREAS, the Project is defined by the engineering report and report addenda entitled "Wastewater Treatment Plant Improvements Project" dated 7/31/2014, revised 11/4/2014, "Engineer's Report Addendum No. 1" dated May 1, 2015, and "Engineer's Report addendum No. 2" dated January 31, 2018; all prepared by the engineering firm The Chazen Companies. These documents were approved by the New York State Environmental Facilities Corporation (NYSEFC) on January 15, 2015, August 3, 2015, and February 14, 2018, respectively; and

WHEREAS, the Project is further defined by the plans and specifications entitled "Wastewater Treatment Plant Upgrade" dated November 2017, the plans and specifications entitled "Installation of Sludge Dewatering Equipment" dated July 2016, and the plans and specifications entitled "Sludge Dewatering Equipment" dated July 2016,

all by the engineering firm The Chazen Companies that were approved and made eligible by the NYSEFC on February 14, 2018, February 21, 2017, and April 26, 2017, respectively; and

WHEREAS, the Village and the Town have entered into an Agreement of Municipal Cooperation for the Construction, Financing and Operating of an Inter-Municipal Sewer Interceptor, Treatment and Disposal System dated February 16, 1983 20, 1986 and amended by separate amendments dated October 29, 1985, February 20, 1986, January 11, 1994 (which voided a July 12, 1991 amendment), October 12, 1999, and July 28, 2014 ("IMA"); and

WHEREAS, under the IMA, in each calendar year during which there is outstanding Project indebtedness, the Village and Town are each responsible for a share of the debt service which is equal to each municipality's relative percentage amount of sewage generated into the System by such municipality during the twelve (12) month period ending on September 15 of the immediately preceding calendar year;

WHEREAS, under the IMA, each Party agrees to raise the funds required for such Party's own pro rata share of any amounts payable thereunder and to take such steps as may be legally required to assess properties within the districts or other areas of such party (i.e. either the Town or Village) which are benefitted by the WWTP, so much upon and from each as shall be in just proportion to the amount of benefit which the improvement shall confer upon such property and/or to establish sewer rates and/or surcharges sufficient to raise the funds necessary to pay such pro-rata share;

WHEREAS, pursuant to the Agreement, the methodology to be used by the Village and Town for establishing such assessments, rates and/or surcharges, as the case may be, shall be determined by the Pawling Joint Sewer Commission ("PJSC") in accord with the IMA and applicable law;

WHEREAS, pursuant to the IMA, the Village and the Town have delegated authority to the PJSC to determine and assess to each party the annual capital costs and O&M costs required to be paid in each fiscal year for the retirement of indebtedness relating to the WWTP ("Capital Costs") and for operation and maintenance of the Sewer System ("O&M Costs"); and

WHEREAS, the PJSC pursuant to the IMA, has determined that Capital Costs for the WWTP in fiscal year 2020 equal \$324,100 ("2020 Capital Costs");

WHEREAS, the PJSC's apportionment and assessment of each municipality's respective share of the 2020 Capital Costs against the lands within such municipality which are benefitted by the WWTP, including the formula for calculating same, is shown on Exhibit "B" attached hereto and made a part hereof; and

WHEREAS, section 452-2 of the General Municipal Law provides that municipalities may adopt rates for usage of sewer services, and the basis for setting such rates for Operation and Maintenance ("O&M") charges regarding the Sewer System is provided for in sections 9 and 10 of the IMA dated July 28, 2014, which are based on the amounts of sewage generated by the Village of Pawling and the Town of Pawling's respective usage of sewage deposited in to the Sewer System, as shown in Exhibit "C"; and

WHEREAS, pursuant to section 452-2 of the General Municipal Law, a public hearing was held on August 12, 2020 and September 2, 2020 and the public was invited to attend and be heard on the matter.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Pawling, in accord with the IMA and Section 452-2 of the General Municipal Law hereby ratifies the PJSC's determination and calculation of the 2020 Capital Costs and O&M Costs as shown on Exhibit "A"; and

BE IT FURTHER RESOLVED, that in accord with the IMA, the Town Board ratifies the PJSC's calculation of each municipality's aggregate share of the 2020 Capital Costs and the 2020 O&M Costs, in accord with the Town's obligations under the IMA, the Town will raise the Town Cost through local assessments and apportionment upon the lands within the

Town which are benefited by the WWTP in the manners calculated by the PJSC as shown on Exhibit "B" and Exhibit "C"; and

BE IT FURTHER RESOLVED, The Board hereby adopts, approves and ratifies the PJSC's apportionment and assessment of the Town's Cost, including the formula for calculating same and the amounts assessed to each benefitted parcel of land within the Town, as shown on Exhibit "B" and Exhibit "C".

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – "AYE" Councilman DeRosa – "AYE"
 Councilman McCarthy – "ABSENT" Councilwoman Snow - "AYE"
 Supervisor Schmitt – "AYE"

**Resolution 2020125
 Budget Amendments for Fiscal Year 2020**

Whereas, a request for Budget Amendments has been received from the Bookkeeper, and

Whereas, normal course of business activity throughout 2020 has prompted the Bookkeeper to determine that various budget items should be amended to allow for the Town of Pawling to continue conducting business as usual; and

Whereas, the Bookkeeper has requested the following budget amendments:

DESCRIPTION	ACCOUNT	BUDGET	INCREASE	DECREASE	BUDGET	
Town Board	A.1010.4	3,300	500		3,800	Zoom meetings, etc.
Town Supervisor Unallocated	A.1220.4	11,000		-500	10,500	Transfer to A.1010.4
Insurance	A.1910.4	105,000	3,300		108,300	Ins. 2 New Trucks
Attorney Contractual	A.1420.4	100,000		-1,800	98,200	Transfer to A.1910.4
Judgements & Claims	A.1930.4	2,000		-1,500	500	Transfer to A.1910.4
		<u>221,300</u>	<u>3,800</u>	<u>-3,800</u>		

DESCRIPTION	ACCOUNT	BUDGET	REVENUE INC/DEC	EXP INC/DEC	REVISED BUDGET	REASON
Beach and Pool	A.7230.10	18,586		22,050	40,636	Beach Open
Social Security	A.9030.8	77,113		1,700	78,813	Beach Open
Beach Revenue	A.2025	0	23,750		23,750	Beach Open
Golf Clubhouse	A.7260.4	2,000		6,500	8,500	Merchant Fees(Paid by players through
Golf Fees	A.2050	215,000	6,500		221,500	golf fee)
			<u>30,250</u>	<u>30,250</u>		

REVENUE EXP REVISED

DESCRIPTION	ACCOUNT	BUDGET	INC/DEC	INC/DEC	BUDGET	REASON
Road Const.						Additional Paving
Equip & Capital	DB.5112.2	314,690		50000.00	364690	Costs
Snow Overtime	DB.5142.106	30,000		-15000.00	15000	
Snow Contractual	DB.5142.400	93,500		-35000.00	58500	
Machinery & Equipment	DB.5130.2	0		25,000	25,000	Used Truck Purchase
HWY Fund Balance	DB.4999	51,548	25,000		76,548	Town of Patterson Fund Balance Used
			25,000	25,000		

DESCRIPTION	ACCOUNT	BUDGET	REVENUE INC/DEC	EXP INC/DEC	REVISED BUDGET	REASON
	B.3120.1	31000		3000	34000	Additional Constable Payroll
	B.3120.4	8500		-3000	5500	
	B.3620.4	7,000		30,000	37,000	Subcontracted Building
	B.3620.1	115,697		-30,000	85,697	Department
			0	0		

MOTION: Supervisor Schmitt
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”
Councilman McCarthy – “ABSENT” Councilwoman Snow - “AYE”
Supervisor Schmitt – “AYE”

BOARD MEMBER DISUCSSION

JOHNSON

BURR HOUSE

Councilman Johnson said a bid has been sent out for abatement of asbestos at the Burr House at Murrow Park. Four bids have been received, with the low bid coming in at \$28,975.00, compared to the high bid of \$63,700.00. He said at the last meeting, the Board discussed the fact that the town is responsible for air quality testing. Two quotes were received for air quality testing, between \$3,000.00 and \$5,000.00, but the amount can change depending on how long the job takes.

Following discussion, Councilman Johnson made a motion to award the bid for asbestos abatement at the Burr House to Environmental Maintenance Contractors, Inc. in the amount of \$28,975.00, seconded by Supervisor Schmitt, and passed with the following roll call vote:

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “ABSENT”

Councilwoman Snow - “AYE”

Supervisor Schmitt – “AYE”

Councilman Johnson felt that the Board should budget for abating asbestos at other town buildings that need it over the next couple of years. He also felt that mailings need to be done by the Town and Village regarding the proposed consolidation and vote.

SNOW

Councilwoman Snow said she was invited to attend the Pawling Community Foundation meeting this Saturday and she would be attending that meeting. The topic of the dirt pile did come up on social media and this would be discussed at that meeting.

Supervisor Schmitt said he was happy to see this happening, he thanked everyone who offered to help and said he would help in any way.

Councilwoman Snow said the special election is scheduled for November 30th for the consolidation vote. She said the Board needs to discuss help for Cathy Giordano, Town Clerk for the election, and what the process will be for the election.

Supervisor Schmitt said Cathy Giordano, Town Clerk will need help and she would have whatever she needs to accomplish the election.

DEROSA

Councilman DeRosa felt two polling sites would be needed for the special election. The Village has to pay for their own election but he felt the cost to the Town would be approximately \$15,000.00 to \$20,000.00 for the election and \$37,000.00 for the study. On another topic, he wanted to thank Wendel Weber, Supervisor of Buildings & Grounds and his crew for their response to Covid 19, they have done a great job. Councilman DeRosa said the Dutchess County Planning Federation, of which he is a Board member, has scheduled two webinars for October and November, one for affordable housing and the other is for flood plains. He said he visited the dam and the water level is good. The lowering of the lake will begin on September 15th and it will be a slow draw down and it should be down by October 15th.

SCHMITT

Supervisor Schmitt said a postcard was sent out to the residents of Whaley Lake letting them know that the lake would be drawn down, beginning September 15th. He said the lake would be lowered twelve inches and if it is to be lowered further, residents will be alerted.

PUBLIC COMMENT

Jeff Asher, resident of 34 Coulter Avenue for 32 years, thanked the Town Board and Village Board for their efforts to inform the community regarding the consolidation petition and vote. There have been extremely negative comments for and against the consolidation. He would like to see Pawling return to the place of positive thinking. He felt the Village provided good services, garbage and recycling, water and sewer, potholes filled, snow removal and sand in the streets cleaned up in the spring. And it is always service with a smile. The Village government has been around for the last hundred years and has been able to serve the residents in a positive way. Residents in the Village can walk to restaurants, the Library and around the Village. We must do what is best for the Town and Village.

Joe Marotta, Chairman of the Whaley Lake Committee, said when the lake is lowered, residents need to know how low it will be lowered so they can get their boats out. They sent out mailings to the community for support on what they call 705.8 and 28, which means the dam which is currently built at 704.8 is a full twelve inches below where it should be at 705.8. They have

received responses from over 70 people. The old spillway was 28 feet wide and the new one is 18½ feet wide and they were concerned about annual spikes in the spring when it rains. He tried to explain this to engineer who designed the dam but he didn't understand. Some people who received the postcards were afraid to sign up with the committee due to threats, and that needs to be investigated and stopped, that is unacceptable. While the town owns the dam, there is a fiduciary responsibility that the correct level is 705.8. The residents paid for 705.8 and they deserve 705.8. It is very important to get the million-dollar grant from NYS DEC. They would like to have the Board write a commitment letter saying they will honor the 705.8 and 28, and that would protect the community. Since the Board is not responding to writing the commitment letter, he wanted to give a little history of what happened. He said one engineer made a mistake, who gave it to another engineer and he did not check the number and he continued to move the project forward. That number was given to the contractor and he found out this was an incorrect number. That information went to the previous administration and the previous administration allowed the project to go forward. Once it was determined the previous administration was involved, they were shut out and not given any information by Supervisor Schmitt and this Town Board. The residents do not want to go to court but if they have to, they will. The problems need to be fixed. The residents paid for 705.8 and they want 705.8. This story is compelling in court and if they have to go to court, they will.

Glenn Carey echoed Councilman Johnson's comments about both the Town and Village Board's preparing for mailings, and he felt there would need to be more than one. He has heard from very good sources that there is fund raising going on by those that have brought this petition action and you can be assured they will do some mail pieces and if their prior mailings are any indication, they will provide inaccurate information. So, it will be critical that the Town and Village are prepared to respond. A large number of residents are getting their information through the mail. He felt a committee needed to be formed to help create and respond to the misinformation. The Boards must provide taxpayers and voters with accurate information and facts.

The motion to adjourn was made by Supervisor Schmitt at 6:55 PM, seconded by Councilman Johnson and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – "AYE"

Councilman DeRosa – "AYE"

Councilman McCarthy – "ABSENT"

Councilwoman Snow - "AYE"

Town Clerk



Dutchess County Clerk Recording Page

Record & Return To:

Date Recorded: 5/3/2016
Time Recorded: 4:20 PM

KEANE & BEANE
445 HAMILTON AVE

WHITE PLAINS, NY 10601

Document #: 02 2016 2748

Received From: KEANE & BEANE

Grantor: JUCCA CO LLC
Grantee: PAWLING TOWN

Recorded In: Deed
Instrument Type: OFFER

Tax District: Pawling

Examined and Charged As Follows :

Recording Charge: \$60.00
Transfer Tax Amount:
Includes Mansion Tax:
Transfer Tax Number:

Number of Pages: 4

***** Do Not Detach This Page
*** This is Not A Bill**

Red Hook Transfer Tax:

RP5217: N
TP-584: N

County Clerk By: cni
Receipt #: 15417
Batch Record: 101

Bradford Kendall
County Clerk



0220162748

SCHEDULE A

ALL that certain parcel of land situate in the Town of Pawling, County of Dutchess and State of New York that is designated Access Road as shown on that certain map entitled "Final Subdivision Plat... Castagna Commerce Park..." dated July 7, 2014 and filed in the Dutchess County Clerk's Office on December 11, 2014 as Map No. 12488 that is bounded and described as follows:

BEGINNING at a point in the easterly line of New York State Route 22, also known as S.H. 343, said point being distant

on a curve to the left, the center of which bears N87°52'32"W, the central angle of which is 17°41'52", the radius of which is 2,964.79 feet for 915.78 feet (tie) and

N 03°34'03" E 113.78 feet (tie)

as measured along the easterly line of said New York State Route 22 from the division line between the lands now or formerly of Jucca Company, LLC on the north and the lands now or formerly of Apawling Properties on the south. **THENCE** from said point of beginning

N 72°48'00" E 88.48 feet,

on a tangent curve to the right, the central angle of which is 08°19'40", the radius of which is 165.00 feet for 23.98 feet,

N 81°07'40" E 35.61 feet,

on a tangent curve to the left, the central angle of which is 05°27'45", the radius of which is 135.00 feet for 12.87 feet,

on a curve reversing to the right, the center of which bears S14°20'05"E, the central angle of which is 04°17'45", the radius of which is 1,045.00 feet for 78.35 feet,

N 79°57'40" E 377.40 feet,

on a tangent curve to the left, the central angle of which is 29°04'00", the radius of which is 270.00 feet for 136.97 feet,

N 50°53'40" E 169.81 feet,

on a tangent curve to the right, the central angle of which is 29°04'00", the radius of which is 330.00 feet for 167.41 feet,

on a curve compounding to the right, the center of which bears S10°02'20"E, the central angle of which is 240°37'39", the radius of which is 63.00 feet for 264.58 feet,

on a curve reversing to the left, the center of which bears S50°35'19"W, the central angle of which is 81°56'15", the radius of which is 35.00 feet for 50.05 feet,

on a curve compounding to the left, the center of which bears S31°20'56"E, the central angle of which is 07°45'24", the radius of which is 270.00 feet for 36.55 feet,

S 50°53'40" W 169.81 feet,

on a tangent curve to the right, the central angle of which is 29°04'00", the radius of which is 330.00 feet for 167.41 feet,

S 79°57'40" W 377.40 feet,

on a tangent curve to the left, the central angle of which is 11°23'30", the radius of which is 985.00 feet for 195.84 feet,

S 68°34'10" W 63.84 feet and
N 03°34'03" E 79.40 feet

to the point or place of beginning, containing 1.765 acres, more or less.

Exhibit A

Itemization of "2020 Capital Costs" \$339,100 from 2020 budget.

Exhibit "B"

PJSC's apportionment and assessment of each municipality's respective share of capital costs against the lands within such municipality which are benefitted by the WWTP, including the formula for calculation same.

1. Capital Recovery a. General Discussion

Capital recovery shall be based on a combination of two factors that are related to the benefit received: Water Use and Assessment. PJSC determined that 75% of a user's benefit is derived from water use and 25% of the benefit is derived from Assessment. Also, and consistent with the IMA, Capital fees are calculated based on the pro-rata share of wastewater generation by the Village of Pawling and by the Town of Pawling. The total annual Capital cost for the Town and the total annual Capital costs for the Village will be calculated based on the pro-rata total flow for each in the previous year divided by the total flow billed in the previous year multiplied by the total annual Capital budget of the PJSC for the billing year.

b. Phase 1 and Phase 2 users

With respect to the Capital charges, there shall be two principle classes of users: Phase 1 users and Phase 2 users. A users Phase classification shall be determined quarterly based on a calculation of the user's quarterly capital charge. Any user (whether Town user or Village user) that has a quarterly charge calculated to be equal to or less than \$68 shall be a Phase 1 user, Phase 2 users shall be all other users.

c. Town User's Quarterly Capital Bills

Quarterly bills for Town users will by generated by PJSC to recover one fourth of the Town's annual Capital obligation.

PJSC shall calculate the quarterly Capital bill for each Town user using the following equation: the product of (A) multiplied by (B), where

(A) Equals 25% of the Town's annual Capital obligation and

(B) Equals

$$\begin{aligned} & \text{Town User's Gallons used in quarter} \\ & \qquad \qquad \qquad * 0.75 \\ & \text{Sum of all Town use in Quarter, Gallons} \\ & \qquad \qquad \qquad \text{Town User's Assessment} \\ & \qquad \qquad \qquad * 0.25 \\ & \text{Sum of All Town User's Assessments} \end{aligned}$$

When the result of this calculation for a given Town user is \$68.00 or less, such Town user customer shall be billed \$68.00 for the quarter and Identified as a Phase 1 user for this quarter.

Any Town user who is not determined to be a Phase I user shall be deemed a Phase II User.

PJSC shall calculate the Quarterly Capital obligation of each Phase 2 users in the Town using the following equation: (C) multiplied by (D), where

(C) Equals

(25% of Towns annual Capital Obligation) — (\$68.00 * number of Quarterly Phase 1 users)

And

(D) Equals:

Phase 2 User's quarterly Gallons	* 0.75	Phase 2 User Assessment	* 0.25
Sum of all Town Phase 2 Quarterly Gallons		Sum of All Town Phase 2 Assessments	

d. Village User's Quarterly Capital Bills

Quarterly bills for Village users will be generated by PJSC to recover one fourth of the Village's annual Capital obligation.

PJSC shall calculate the quarterly Capital bill for each Village user using the following equation: the product of (E) multiplied by (F) where

(E) Equals 25% of the Village's annual Capital obligation and

(F) Equals

Village User's Gallons used in quarter	* 0.75
Sum of all Village use in Quarter, Gallons	
Village User's Assessment	* 0.25
Sum of All Village User's Assessments	

When the result of this calculation is \$68.00 or less for a given Village user, such Village user shall be billed \$68.00 for the quarter and identified as a Phase 1 user for this quarter.

Any Village user who is not determined to be a Phase I user shall be deemed a Phase II User.

PJSC shall calculate the quarterly Capital obligation of all Phase 2 users in the Village using the following equation: (G) multiplied by (H), where

(G) Equals

(25% of Village's annual Capital Obligation) — (\$68.00 * number of Quarterly Phase 1 users) and

(H) Equals

Phase 2 User's quarterly Gallons	* 0.75
Sum of all Village Phase 2 Quarterly Gallons	
Phase 2 User Assessment	
Sum of All Village Phase 2 Assessments (0.25)	

Exh. "C"

MANNER OF CALCULATION AND APPRTIONMENT OF CHARGES

1. Operation and Maintenance

Operation and Maintenance (O&M) fees are calculated based on the pro-rata share of wastewater generation and pursuant to the intermunicipal agreement between the Village of Pawling and the Town of Pawling. The total annual O&M cost for Town and the total annual O&M costs for the Village will be calculated based on the pro-rata total flow for each in the previous year multiplied by the total annual O&M budget of the PJSC for the billing year.

a. Town's Quarterly O&M Bills

Quarterly bills for Town users will be generated by PJSC to recover one fourth of the Town's annual O&M obligation. Each Town user's quarterly bill for O&M shall be the decimal fraction created by dividing the users' quarterly flow by the total Town flow during that quarter times 25% of the Town's annual O&M obligation.

b. Villages Quarterly O&M Bills

Quarterly bills for Village users will be generated by PJSC to recover one fourth of the Village's annual O&M obligation. Each Village user's quarterly bill for O&M shall be the decimal fraction created by dividing the users' quarterly flow by the total Village flow during that quarter times 25% of the Village's annual O&M obligation.

Wastewater flow generation shall be based on water meter readings and all users shall have a functioning and calibrated water meter.

Owners of developed properties in an area where sewerage and laterals are available shall be billed quarterly for O&M services.

Owners of developed properties in an area where sewerage and laterals were recently installed to expand the PJSC's service area shall not be billed for O&M services for a period of up to one year after the sewerage facilities have been deemed substantially complete. These new users will receive their first O&M bill for their developed property in the first billing cycle following their hook-up OR in the first quarterly billing cycle one year after substantial completion. O&M bills for all developed properties shall be calculated as if the property was contributing wastewater to PJSC facilities.

Owners of undeveloped property where sewerage is not available shall not be billed for the O&M component of quarterly bills.