

DATE OF MEETING: March 3, 2009
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Mayor Robert Liffland
Trustee Tracy Durkin
Trustee Wayne Osborn
Trustee Robert Murphy
Trustee Colette Zito

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

MOTION by Trustee Durkin to adopt the proposed signage resolution with “and/or” added. **SECONDED** by Trustee Murphy. There was no discussion.

RESOLUTION

WHEREAS, the Village of Pawling Board of Trustees concludes that excessive signage and/or poorly located signs posted or placed on real property owned or leased by the Village of Pawling can block sight lines and create distractions that implicate serious safety issues, and can be detrimental to the appearance of the public landscape; and

WHEREAS, the Board of Trustees concludes that banning the posting or placement of private signs on real property owned or leased by the Village of Pawling would be in the best interest of the Village of Pawling, including without limitation enhancing public safety and preserving the appearance of the public landscape.

NOW THEREFORE BE IT RESOLVED that no signs shall be posted or placed on any real property owned or leased by the Village of Pawling, other than signs owned by the Village of Pawling and/or authorized by the Board of Trustees; and

LET IT FURTHER BE RESOLVED that the Village of Pawling is authorized to remove and dispose of any sign placed on real property owned or leased by the Village of Pawling contrary to the terms of this Resolution.

The foregoing Resolution was voted upon with all members voting as follows:

| | |
|----------------|------|
| Mayor Liffland | Aye |
| Trustee Durkin | Aye |
| Trustee Murphy | Aye |
| Trustee Osborn | Aye |
| Trustee Zito | Aye. |

The motion carried.

MOTION by Trustee Durkin to approve Pay Requests # 3 and # 4 (release of retainage) from G&M Construction in the amount of \$27,165.01 and \$7,510.24 for the East Main Street Sidewalk Improvement Project. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the resolution changing the Pawling Joint Sewer Commission’s annual meeting to December. **SECONDED** by Trustee Zito.

RESOLUTION

WHEREAS, the Village of Pawling (“Village”) and the Town of Pawling (“Town”) entered into an Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter-Municipal Sewer Interceptor, Treatment and Disposal System (“Agreement”) dated February 16, 1983; and

WHEREAS, the Agreement was amended by an Addendum dated October 29, 1985 to clarify financial matters; and

WHEREAS, the Agreement was further amended on February 20, 1986 for the purpose of changing the annual meeting date; and

WHEREAS, the Agreement was further amended on January 11, 1994, which amendment voided a July 12, 1991 amendment, and which January 11, 1994 amendment changed the annual meeting date and established a method for calling the regular monthly meetings; and

WHEREAS, the Agreement was further amended on October 12, 1999 to make provision for a Deputy Commissioner from the Town of Pawling; and

WHEREAS, due to the fact that the Village will, in 2009, begin holding its annual elections for the Village Board in November rather than March, the Village and the Town wish to amend the Agreement to make provision for the Pawling Joint Sewer Commission’s annual meeting to be held on the 2nd Thursday in December rather than in the month of April (“Present Amendment”); and

WHEREAS, the adoption of the Present Amendment is a Type II action pursuant to 6 NYCRR §617.5(c)(20), since it is limited to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.

NOW, THEREFORE, BE IT RESOLVED that the first full paragraph of Section 1 of the Agreement dated February 16, 1983, and as amended on October 12, 1999, shall hereby be amended to read as follows:

Creation of Commission. There is hereby created an executive body to be known as the “Pawling Joint Sewer Commission” (hereinafter referred to as the “Commission”). Said Commission shall consist of six members, five members consisting of the Mayor, and the four members of the Village of Pawling Board of Trustees and the one member from the Town of Pawling to be appointed by the Town Supervisor. The Town Supervisor may appoint a Deputy Commissioner to serve in the place of the appointed Commissioner from said Town when said Town Commissioner is unable to attend the meetings of the Commission. In the absence of the appointed Town Commissioner the Deputy Commissioner shall have full power to act and vote at Commission meetings. Nothing herein shall be construed to empower the Town representative of the Commission to have more than one vote. The Commission annually, shall elect its own chairman, vice-chairman, secretary and treasurer. Voting by proxy shall not be permitted. The

Commission shall meet annually on the 2nd Thursday in December at 7:00 PM at the Village offices for the annual reorganization meeting. In addition to the election of said officers, the time and place of regular meetings shall be established. Robert's Rules of Order will apply to the conduct of all meetings.

BE IT FURTHER RESOLVED that the balance of Paragraph "1" of the original Agreement dated February 16, 1983 shall remain as originally written.

BE IT FURTHER RESOLVED that the amendment to the Agreement dated January 11, 1994 shall be annulled insofar as it established the annual meeting of the Commission on the 2nd Thursday in April.

BE IT FURTHER RESOLVED that in all other respects the Agreement dated February 16, 1983, is reaffirmed and restated, together with all amendments thereto, including the Present Amendment, except as set forth above with respect to the amendment of January 11, 1994.

BE IT FURTHER RESOLVED that the Present Amendment is classified as a Type II action pursuant to 6 NYCRR §617.5(c)(20), since it is routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute on behalf of the Village all documents necessary to implement the Present Amendment to the Agreement as set forth above.

The foregoing Resolution was voted upon with all members voting as follows:

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|----------------|------|
| Mayor Liffland | Aye |
| Trustee Durkin | Aye |
| Trustee Murphy | Aye |
| Trustee Osborn | Aye |
| Trustee Zito | Aye. |

The motion carried.

MOTION by Trustee Murphy to approve the Seasonal Maintenance Contract for the Metro North parking lot from Native Landscapes, Inc. in the amount of \$650.00 a month.

SECONDED by Trustee Zito. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to authorize Mayor Liffland to sign MTBE agreements on behalf of the village. **SECONDED** by Trustee Osborn. Trustee Zito asked if it was to sign the agreement to go into the process. Trustee Durkin said it was to accept the payment. Trustee Zito asked if by accepting it should the MTBE show up anywhere at any other time would it mean the Board was completely blocked out by the acceptance on taking any other action or recourse against the companies. Mayor Liffland said that was correct. Trustee Zito said the last time she heard the Village Attorney discuss the topic he was in full agreement with the settlement but was there any concern about potential MTBE contamination in the future. Mayor Liffland said it was only one of the settlements and there would be more coming. Trustee Durkin said the agreement was with two of the

smaller companies. Mayor Liffland said there was ongoing litigation with the larger companies. Trustee Murphy said the final settlement would probably be the largest one. Trustee Durkin said the village never had any MTBE issues and that the real problem areas were down on Long Island. She stated the money would help if there were any detection in the village or it would go to help with the water system in general because there were no strings attached to how the Board uses the money. Trustee Durkin gave a summary of the litigation. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the December 1, 2008 minutes. **SECONDED** by Trustee Murphy. There was no discussion. The vote was:

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|----------------|------|
| Mayor Liffland | Aye |
| Trustee Durkin | Aye |
| Trustee Murphy | Aye |
| Trustee Osborn | Aye |
| Trustee Zito | Nay. |

The motion carried.

MOTION by Trustee Durkin to discuss the Resolution of Introduction for the dissolution of the office of the Village Justice. **SECONDED** by Trustee Murphy. Mayor Liffland said the Board was looking at different ways to save the village taxpayers money and this was one discussion. Trustee Murphy said the prior year budget revenue amount was \$19,000 and the expenditure amount was \$32,000 which was a deficit of \$13,000. Trustee Murphy said there was concern with the new mandates; one of which was a requirement that two officers be present at court for searches and the bottom line was that the Board was chasing after expenditures. Village Court Justice Robert Apple said he felt the needs of the village residents were unique and to dissolve the court would do a disservice to the residents, business owners and landlords. He said the income stream could be balanced out by increasing the fine amounts and by having more enforcement by the Sheriff's Department. Village Justice Apple said he wished his salary could be used to pay Court Clerk Veronica Daniels. He said the court has held down expenses by not attending certain meetings, going to classes locally for certification and receiving grants (the latest in the amount of \$34,000) to pay for equipment and supplies. He said the latest grant was used to replace equipment and flooring that was damaged when the ceiling leaked. Village Justice Apple said the court was close to paying for itself and perhaps the Board should consider moving the Building and Zoning Department to the town. He said the village had unusual cases which would be handled summarily by the town and would not be handled in the way he would. Village Justice Apple said there was a proliferation of drugs within the village and he takes a personal interest in the people involved and tries to get them rehabilitation and treatment. He said he did not think it was good idea to dissolve the office of Village Justice and was opposed to it. Mayor Liffland asked for some examples of the disservice Village Justice Apple was referring to. Village Justice Apple said he pays closer attention and follows up with the cases. He discussed the drug courts in Poughkeepsie and Beacon. Village Justice Apple said he also had a sensitivity to the problems of the merchants in the village. Trustee Zito said she was fortunate enough to spend an entire day at a Drug Court run by Judge Calabresi and saw how 1st time offenders could be rehabilitated. She asked how that might work within the village, could it be on a smaller scale and how would it be funded. Village Justice Apple responded that meetings were held to figure out where the Drug Courts would be located and he volunteered to sit for free however the decision was made to locate the courts in Poughkeepsie and Beacon. Mr. Gregg Felice, of 41 Baxter Road, said it made sense to

keep the court so that people would not get caught up in the system and would be dealt with within the appropriate system. He said the village needed someone who cared and it would be a good thing for the village to continue. Trustee Durkin said she agreed that the court was a good thing. She asked if there was an implication that the town does not share the same view as the village and if not why they don't. Village Justice Apple stated he did not monitor the town but he had not heard anyone say they take an interest like he does. Mr. Bob Hall said the monetary issues were fuzzy to him. Trustee Murphy said the numbers were hard to pin down because the court was not guaranteed to take in a certain amount. Mr. Hall said the crime rate was increasing and while he applauded the Board for looking for ways to save money why give the revenue to the town. He asked why the Board did not look into raising the fines and making the court pay for itself rather than doing away with an institution. Mr. Hall asked that the issue be put to a referendum. Trustee Durkin said it would be subject to a Permissive Referendum. Mr. Drew Nicholson, a resident of Valley Drive, said if the Village Court was done away with it would add a greater number of cases to the town. He said adding that many cases would jam people in and each individual would have less opportunity for personal attention. Mr. Ball said the village is a family. Mr. Tom Rose, a resident of Sunset Avenue, asked if the town had been contacted regarding the topic. Mayor Liffland responded they had not. Mr. Rose asked if there was an increase in the crime rate why the Board would reduce the services of the court. Mr. Earl Slocum, a resident of East Main Street, asked what the \$10,000 - \$15,000 difference between the expenses and revenue would mean to the taxes. Trustee Murphy said it would mean a percentage and half increase in the tax rate. Mr. Slocum said a way to raise revenues would be to fine people for all the Tag Sale signs and not having permits to hold tag sales. Ms. Veronica Daniels, Village Court Clerk, said Village Justice Apple was good because he works with people. She said by getting grants the court saves money and the fines could be increased to make more revenue. A woman in the audience stated the Board should look at all the departments as far as revenues and expenses and come up with a bottom line. Trustee Murphy said the Building Department also runs at a deficit however the Board was going to increase the fees. Village Justice Apple asked what the deficit was. Trustee Murphy said they took in \$22,000 in revenue and expended \$39,000. Mr. Hall asked why the Board did not raise extra revenue through the fines. Village Justice Apple asked the Board why they did not approach him about raising the fines rather than dissolving the position. Mayor Liffland responded he thought the fines were set by NYS law and did not realize they could be changed. Ms. Daniels said the town would have to hire another Court Clerk to cover the extra cases so that would be more money paid through town taxes. Mr. Rose asked on a per annum basis how many cases the court handles. Ms. Daniels said it could vary. Village Justice Apple said the intensity of patrols within the village affects the numbers. Ms. Christine Walters, of 60 Rhone Ridge Drive, asked about the fines resulting from not shoveling sidewalks after snow storms. The Board said that was not part of the court system it was billed by the Clerk. Mr. James Daniels, a Deputy Sheriff with the Dutchess County Sheriff's Office, said Judge Apple takes the extra step of having a personal interest in how things work out with his cases. He said Judge Apple stands up for the rights of the village residents and other courts were not run like that. Trustee Durkin said she would like to meet with Judge Apple and Court Clerk Daniels to crunch the numbers. Ms. Jeanette Daniels, of 23 Union Street, said her mother (Court Clerk Daniels) works hard and has extreme pride in her job. She said her mother looks out for the children and by getting grants is saving the village money. Mr. Nicholson said the Board should look at the effectiveness of the department and not just money. Mayor Liffland thanked everyone for their comments and said the Board would take everything under advisement. He tabled the motion.

MOTION by Trustee Durkin to postpone the vote on the topic. **SECONDED** by Trustee Zito. There was no discussion; all were in favor and the motion carried.

Mayor Liffland reported the village would be able to put items on the Poughkeepsie Journal website and asked anyone with items to submit them to Trustee Durkin.

Mayor Liffland said the village had two options when dealing with the Economic Stimulus money – he said the village could not accept it or the Board could ask the Governor for the village's share. Mayor Liffland said he would like to write to the local politicians to ask for money for shovel ready projects like the filtration system, the water mains and MS4 projects. He asked for the support of the Board to send a letter out regarding the Economic Stimulus money. There was discussion on the topic.

MOTION by Trustee Murphy to change the March 16, 2009 meeting to March 18, 2009. **SECONDED** by Trustee Zito. There was no discussion; all were in favor and the motion carried.

Mayor Liffland introduced the topic of changing the meetings from the 1st and 3rd Mondays of the month to the 1st and 3rd Tuesdays of the month. He said he was suggesting the change in order to give the Clerk more time to prepare after the weekend, the conflict with holidays and the conflicts with other Boards holding their meetings the same time. He asked the Board to take it under consideration.

Mr. Drew Nicholson asked the Board their opinion on moving the Library's Annual Book Sale from the village to the Lathrop Center. The Mayor was not in favor of moving the sale out of the village center. Mr. Nicholson said all directions to the sale would lead people through the village center and vendors would hand out discount coupons to encourage people to shop the downtown. Trustee Zito asked if there would be space for merchants to have booths. Mr. Nicholson said the space was constrained however there might be some room. Trustee Durkin said she would personally hate to see the sale moved however she understood the library's desire to make as much money as possible and to mitigate any problems that might come about from holding the sale outside in the village center. Trustee Murphy said ultimately it came down to the fact that it is a fund raiser for the library and if they wanted to try the Lathrop Building then they should give it a shot but if it did not work out they were welcome to come back to the village.

MOTION by Trustee Murphy to approve the Pawling Triathlon for Saturday, June 6, 2009. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

The Board discussed the topic of holding a 2nd Triathlon in September. The Board thought the weekend of the 27th would be the best to avoid any confusion with the Arts and Crafts Festival and Community Tag Sale.

MOTION by Trustee Murphy to approve the adjustment to Garbage Account # 430 in the amount of \$3.30. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Zito to approve the adjustment to Water Account # 284 in the amount of \$48.05. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

Trustee Murphy went over the draft 2009-2010 budget numbers.

MOTION by Trustee Osborn to approve the minutes from December 15, 2008, January 5, 2009 and January 20, 2009. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the February vouchers in the amount of \$115,720.82. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the Metro North vouchers in the amount of \$1,942.81. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

Historian's Report

Mr. Drew Nicholson presented the Board with a sanborn insurance map of the Village of Pawling dated 1910 donated by Edward Scrivani.

Trustees' Report

Tracy Durkin

Trustee Durkin reported the Town Comprehensive Plan meetings were going along well. She said two properties in the Village of Pawling were nominated for Planning Federation awards: the Triangle at East Main Street and the Stone Hill development. Trustee Durkin said the DEC sent out a seedling flyer. She reported the website had been updated.

Wayne Osborn

Trustee Osborn stated the highway crew did a good job with the roads and picking up garbage.

Robert Murphy

No Report.

Colette Zito

Trustee Zito said the E-Hazardous Waste would be run through the county. She said had looked into video taping the Board Meetings for playback on the Comcast public access channel and borrowing the equipment from Comcast to tape the meetings and wanted to know what the Board thought about the idea. The Board thought it was a good idea and said Trustee Zito should move forward.

Mayor's Comments

Mayor Liffland said he thought the Board had good police protection and while he wished the Board could do more it was doing the best it could with the money available.

Public Comment

MOTION by Trustee Durkin to open Executive Session to discuss Personnel.
SECONDED by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Osborn to close Executive Session and return to regular session.
SECONDED by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Osborn to close the meeting. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

Village Clerk