

DATE OF MEETING: May 4, 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 close the regular session and go into the continuation of the Public Hearing on proposed Local Law No. 1 of 2009 entitled "A Local Law Amending the Village Zoning Law relating to Incentive Zoning in New Subdivisions, by Amending sections 98-5, 98-15 and the Schedule of Uses of the Village Zoning Law, and by Adding a new section 98-18A". **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said at the last meeting the Board made a few changes. Mayor Liffland asked Mr. Michael Hayes, village attorney, to go over the changes. Mr. Hayes said he revised the Special Use Permit section to say that in order for the applicant to qualify for the Special Use Permit they must show that they satisfied the seven community objectives and they must also go through the Special Permit Review. Mr. Hayes reported the proposed local law was referred to Dutchess County Planning and Development.

Mr. Robert Marvin, an attorney, thanked the Board for considering the local law. He said his concerns were with Section 98-15. He said he had a developer review the proposed local law and was told that the incentive for a developer to locate in the Village of Pawling was not there because the profit margin was squeezed out of the potential of projects in two areas. Mr. Marvin said the first area was that the level of affordable housing at 15% was too high because it was a substantial hit to the profit margin. He said the second area was under the Utilities section of the proposal (Section 1, Subparagraph 6) which requires that the project be connected to the municipal water and sewer system. He said what it needed to say was that to the extent that a developer has to do offsite improvements that every dollar the developer has to spend off site, which the developer sees as a substantial cost, should be credited back against the hook up fees (pertaining to the sewer hook up). There was discussion on the topic. Mr. Marvin said a third area of concern which was a less important point was that it was important to de-politicize the process. He said if the developer comes in and satisfies the 7 incentives to get the density bonus that the wording in the proposed Local Law (Section 1, 1<sup>st</sup> paragraph) which said "may be awarded the density bonus" should be changed to "must be awarded the density bonus." Mr. Marvin stated every year without a project was a year Pawling was losing money and the larger developments would create a positive tax revenue.

Mayor Liffland said he agreed with a lot of what Mr. Marvin was saying and thanked him for coming out.

Trustee Murphy said the utility issue could not be characterized as being charged twice because it was two separate improvements – the sewer line to the plant which would benefit the developer and the expansion of the plant which would allow the developer to

pump sewage to the plant. There was discussion on the issue. Trustee Murphy explained that a developer would pay (if the fee structure remained the same) \$8,000.00 a unit for the development which would be the end of the obligation. Mr. Marvin asked if the developer would have to pay for the upgrade to the plant as well. Trustee Murphy said the developer would pay his portion which was currently established as \$8,000.00 per unit for the plant expansion. Mr. Marvin said that helped.

Mr. Sy Capalbo, a resident of Walnut Drive, asked if the MTA was consulted. Mayor Liffland said they were not consulted because that would probably be up to the developer.

Mayor Liffland asked Mr. Charlie Daniels, a member of the Zoning Committee, his thoughts on the affordable housing percentage being too high. Mr. Daniels said the committee tried to strike a balance between the objectives of the community and the developers and the committee felt comfortable with the 15% affordable housing percentage. Mr. Daniels said the Village Board might review the number and might feel more comfortable with another number.

Mr. Robert Apple, Village Justice, said most developers make a profit on the last 10–15% of a unit and perhaps the 15% affordable housing number was too high.

Trustee Durkin asked if the Zoning Committee discussed any other mechanisms for affordable housing – like in-lieu of. Mr. Daniels said Mr. Akeley, of Dutchess County Planning and Development, shot that down. Trustee Durkin said the 15% was not a bump up – it was already in the code and the density bonus was increased quite a bit which meant more units for the developer.

There was discussion on the affordable housing process.

Mayor Liffland said the Board agreed on changing the wording from “may” to “will” (or something like that) per Mr. Marvin’s request, there was no change made to the utility section (that would go before the Sewer Commission) and they felt there needed to be empirical analysis done of the affordable housing numbers.

**MOTION** by Trustee Durkin to keep the Public Hearing open and go back into regular session. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to close the regular session and go into the Public Hearing on proposed Local Law No. 2 entitled “A Local Law Amending Sections 98-29, 98-34 and 98-65 of the Village Zoning Law to Authorize the Architectural Review of Projects for Conformance with the Village’s Site Plan Standards.” **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Mr. Hayes went over the proposed Local Law (see attached). Mr. Daniels said the Master Plan has architectural standards however they are not that tight and the proposed Local Law provides the first step for the village to go through. He said it would give the Planning Board access to a lot more professional advice. Mayor Liffland said he thought it would be helpful to future boards.

**MOTION** by Trustee Durkin to close the Public Hearing and return to regular session. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to close the regular session and go into the Public Hearing on proposed Local Law No. 3 entitled "A Local Law Amending Sections 98-54(A) and 98-54(B) of the Village Zoning Law to Include Fees and Expenses Incurred during the Architectural Review Process." **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

Mr. Hayes went over the proposed Local Law (see attached).

**MOTION** by Trustee Durkin to close the Public Hearing and return to regular session. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Mr. Hayes said he would prepare the SEQRA documents for the next meeting to allow the Board to adopt proposed Local Laws # 2 and # 3.

**MOTION** by Trustee Durkin to approve retaining Insite Engineering as the construction manager, clerk of the works and inspecting engineer for the Village Green Project. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Mr. Bart Clark, a village engineer, stated he prepared a draft MS4 Annual Report for Year 6 for the Board's review and approval. He asked the Board to look over the document and put the approval on the next agenda.

Mr. Clark went over the Stormwater Management Plan as well. He stated it was a document that explains to the DEC and community what the village is doing and plans to do regarding the MS4 program.

**MOTION** by Trustee Osborn to approve the RFP for the Grandview Repaving Project contingent upon attorney approval. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Osborn to approve the RFP for the Reservoir Road Repaving Project contingent upon attorney approval. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve the village joining the CDBG Consortium. **SECONDED** by Trustee Murphy. Mayor Liffland said the village always joined the Consortium and over the years it was a member the village collected almost \$970,000.00. Trustee Murphy said some of the projects completed were: improvements to the Village Hall, sidewalks on Memorial Avenue and East Main Street and water projects. There was no further discussion; all were in favor and the motion carried.

**MOTION** by Trustee Murphy to approve Mayor Liffland signing the Contract Amendment for Contract #T303049 – Community Forestry Plan. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Osborn to hire Seneca Pavement to re-stripe the centerlines in the Village of Pawling in the amount of \$1,490.00. **SECONDED** by Trustee Durkin. Trustee Durkin asked if two of the companies were father and son. Trustee Osborn said they were. There was no further discussion; all were in favor and the motion carried.

Trustee Durkin gave an update on the Town Comprehensive Plan review. She asked the Board to review the Vision Statements being considered (specifically the section on the “interdependence between the town and village”) and give her feedback. Mayor Liffland thanked Trustee Durkin for her attendance at the meetings. He said he thought the town should not have spotted certain areas for a moratorium. He stated he agreed with Trustee Durkin about defining what the interdependence between the town and village means. He said he felt the town should have used Dutchess County Planning to update the Master Plan because they understood the town and village dynamic. Mayor Liffland said he thought it was going to ultimately hurt the village.

**MOTION** by Trustee Durkin to approve the route for the Memorial Day parade scheduled for May 25, 2009 at 9:30 a.m. **SECONDED** by Trustee Osborn. Trustee Durkin asked if it was the same as last year. Mayor Liffland said it was – line up at Utter Brothers. He said there were patrols set up for traffic. There was no further discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve the April bills in the amount of \$69,497.81. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Murphy to approve the April 21, 2009 pre-pays in the amount of \$9,060.93. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

### **Historians’ Report**

Mr. Drew Nicholson explained how the Board could access information on the “Magnetizing Downtown” seminar he attended. He said the second part of 200<sup>th</sup> Anniversary Celebration of the Methodist Church took place. Mr. Nicholson said the Church would be holding an outdoor revival on South Street on October 18, 2009.

### **Trustees’ Report**

#### **Tracy Durkin**

Trustee Durkin asked that once the proposed Local Laws were buttoned up that the Comprehensive Plan review should begin again. She said she wanted to look into Quality Community Grants to offset any review costs.

#### **Wayne Osborn**

Trustee Osborn said he wanted to have the Highway Crew work summer hours – Monday – Thursday 7 - 4:30 and Friday 7-11.

**MOTION** by Trustee Osborn to approve the Highway Crew working summer hours beginning June 1<sup>st</sup> and ending the Friday before Labor Day. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

Trustee Osborn said the mower was delivered. He reported there were over 110 households that participated in the bulk pick up day. Trustee Osborn said the Highway Department would need a new road side mower at some point.

### **Robert Murphy**

Trustee Murphy stated he would have a budget report for the next meeting. He said the Chamber of Commerce Executive Committee was working on the long range operations plan. He said he was waiting on a mulching price from Native Landscapes for the Metro North lot. Trustee Murphy said the street sweeper would be sweeping the Metro North lot on May 17<sup>th</sup>. He requested that Doug Warren take a look at the sidewalk in front of the mini park. Trustee Murphy said he had a business owner approach him with the idea of having the village install surveillance cameras. There was discussion.

### **Colette Zito**

Trustee Zito handed out an abatement action plan for the Village Hall roof. She stated the last item was for the Board to decide if they wanted to hire a project manager. Trustee Murphy asked Trustee Zito why the process was taking so long because the action plan was almost seven months old. Trustee Zito said it was her recommendation to work with the engineers for all repairs on the roof but in subsequent Board meetings it was decided by majority to work on subcontracting out separate jobs. Trustee Zito said it was the last leg of the project and had been on hold. Trustee Murphy said a lot of the work could have been done before the new budget year so the Board could move forward as soon as possible. Trustee Zito said that Zarecki's office indicated it would move forward. Trustee Zito asked if the Board was in favor of allowing her to move ahead with hiring a project manager. Trustee Murphy said it had been discussed previously that there should be a third party to review the work done by the abatement company. The Board decided to have Trustee Zito collect prices from different companies for a project manager. Trustee Zito stated she had a meeting to discuss energy savings for the Village Hall. She said she was looking into solar panels and obtaining a grant for supplementing the hot water and electric bills. Trustee Zito said she needed to show that the Board was looking at the building to see if it could support the energy saving devices. There was discussion. Trustee Zito said the Spring Market and the E Waste Day would be held on the same date at the Pawling Fire Department however all representatives were aware of the conflict and were working together. Trustee Zito said the draft plan for the All Hazard Mitigation Program Plan would be available by the May 18<sup>th</sup> meeting.

### **Mayor's Comments**

Mayor Liffland reported stimulus packages were put together for the water department and the MS4 program and he received letters from the Governor thanking him for the packages. He said the village's projects were shovel ready and it looked good for the village to receive funding. Mayor Liffland said a representative from the Fire Department would be doing a presentation on color coding the fire hydrants to show their gallons per minute output. He said the Storage Tank needed to be inspected and he was getting prices. Mayor Liffland followed up with the School Board on the Shared Municipal

Services Grant. He asked the Board to begin thinking of projects for the Community Development Block Grant. Mayor Liffland suggested sidewalks on West Main Street and West Street. There was discussion. Mayor Liffland said he was working on an Energy Efficiency Block Grant, an alternative fuel vehicle grant, an EFC loan and a DWSRF grant. He asked Trustee Zito to let him know what grants she was working on so that they were not duplicated.

**MOTION** by Trustee Durkin to adjourn the meeting at 9:35 p.m. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to open the meeting and go into Executive Session to discuss Personnel. **SECONDED** by Trustee Murphy. 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 Durkin to figure out what Mr. Warren owes for 1 year of personal cell phone use and present the figure to Mr. Warren's attorney. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to adjourn the meeting at 10:05 p.m. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

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Village Clerk