

DATE OF MEETING: May 18, 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 Murphy. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said at the previous meeting the Board discussed having the percentage of affordable housing numbers reviewed by Dutchess County Planning and Development to see if 15% was the correct number or if it should be another number. Mayor Liffland said he wanted to wait to receive those results before making any decisions. Trustee Zito said she had some points she wanted to open up for additional discussion on the topic about affordable housing. Mayor Liffland said the discussion was on the Public Hearing and not a separate topic on affordable housing. Trustee Murphy asked if it was in the context of the affordable housing within the proposed Local Law. Trustee Zito said she thought that was what the Mayor said. Mayor Liffland said it was about what percentage the Board wanted to see within the proposed Local Law for affordable housing. Trustee Zito said it was about what Mr. Marvin discussed regarding the 10% versus the 15%. Mayor Liffland said that was correct – the Board was looking for hard numbers. Trustee Zito asked if he was looking to see that before the discussion was continued. Mayor Liffland said Trustee Zito could discuss the topic as long as it pertained to the Public Hearing. Trustee Zito said she wanted to discuss the flexibility to 10% or a lower number. She said her perspective after Mr. Marvin's presentation was that when housing and housing ownership was being expanded within the village it was her belief that there was ample housing in a diverse basket. She stated if there was in the language a flexibility that if there were not eligible candidates qualifying for the homes that perhaps it was in the best interest of the community to reconsider definitely 15% but perhaps even 10% because those homes would have lower assessments which equal lower tax dollars. She said the portion of the proposed Local Law for managing and operating and working with the community and residents for the laws pertaining to and the criteria for affordable housing has a cost involved. She said she wanted to share with the Board those thoughts she had after Mr. Marvin's presentation because after she stepped back and looked at what housing the village has, what it costs to successfully operate an affordable housing program with its associated costs and its lower taxes that she was in favor of the Board continually thinking and applying to the proposed Local Law the alternatives for affordable housing versus the 15% that was originally in the language. Mayor Liffland asked if Trustee Zito would like to see the percentage less. Trustee Zito said she would because she thought there was diversity in housing opportunities. She asked if any other Board member had thoughts. Mayor Liffland said that in dealing with the county he felt that affordable housing was necessary and with the County as the village's planners they knew the need for affordable housing however what the number might be he was not sure until the research was done.

He said he could not give Trustee Zito an answer until he saw the numbers. Trustee Zito asked if Dutchess County Planning was re-evaluating it. Mayor Liffland said they were to see how it fit into the project. Mayor Liffland said that Hudson River Housing would be doing the affordable housing paperwork and processing the applications. Trustee Zito said she wanted to share her reflection on the presentation given by Mr. Marvin. Trustee Murphy said he wanted to make a comment on the diversity of housing in the community. He stated to some extent Trustee Zito was correct but the diversity was in existing housing and not in new construction. Trustee Murphy said typically the existing housing that was probably affordable in the area probably requires work so even though a first time homebuyer might be able to find a house below the market rate by the time they put money into it to make it more livable it could become quite expensive. He said he thought the Board should think about lowering the number so that they could get something else from the developer. Trustee Murphy said as far as less revenue – while that was true - that sometimes there are sacrifices the community has to make in order to provide something to the residents who work here but simply cannot afford to live here and one of those things was affordable housing. Mayor Liffland said it was a benefit to the community and it was not affecting one parcel but all three large parcels that were left to develop. Trustee Zito said her other concern was the resale and those restrictions, and she realized her experience with Baxter Green was extreme, but when you look at the requirements and restrictions there was so much built into what they could and could not do versus what the resale of the home would be. She said there were so many other options, perhaps condominiums or town homes, and variations. Trustee Zito said what they were speaking about was current market conditions and what is within those market conditions as a developer's going through the Planning Board process. She stated she wanted to be sure the Board was serving the community and definitely reaching the top tier teachers and firefighters because in her extreme experience at Baxter Green, she knew one resident that fit into the first tier and what was experienced was individuals that were eligible to buy the homes within that criteria and were having an awful lot of restrictions when it came to resale or upgrading the homes and what that meant to the investments in their homes. Mayor Liffland said the owners would get paid for the upgrades – it is added into the cost. Trustee Zito asked if that was for the affordable housing homes in the village. Mayor Liffland said yes they could claim their upgrades. Trustee Durkin agreed with the Mayor. Trustee Durkin said she agreed that the resale of the affordable homes could be somewhat restrictive and it was not the best vehicle for someone who wanted to build a lot of equity in their home because it was by its very nature restricted. She explained because you were buying in at a lower price that you would not reap the extra boon to sell the house at fair market value because that would be negating the affordable housing in perpetuity. Trustee Durkin said there were things you could do to improve the home for which some equity would be built but there was a complex formula attached to that. She said anyone who owns an affordable housing unit would be encouraged to ask what the formula was before they improve their home to see whether it was going to be cost effective in the long run. Trustee Durkin said this particular model of affordable housing might not be the vehicle for everyone but Trustee Murphy's comment was well taken that the affordable housing in the proposed Local Law was specific to the new developments which was where you could get very upscale homes that tended to be restrictive and exclusive and this was one way that the community could have a mixed tier of people living there. She said to actually talk about the percentages the Board should wait to get the numbers before making any decisions. Trustee Zito stated she agreed about the numbers however she wanted to share her thoughts. Trustee Murphy said the Board seemed very open to the numbers. Mayor Liffland said every builder would do something very different and the Board needed to check each of them out.

Ms. Sharon Haley, a resident of Orchard Street, asked if the changing of the zoning meant that the density of the projects would increase too. Mayor Liffland said it would but there were seven criteria that the developer would have to meet to allow that. Ms. Haley asked what the different criteria were. Trustee Murphy stated they were:

- Neutral or positive fiscal impact
- Design conformance and urban regulations conformance
- Open space
- Recreational lands, facilities and programs
- Affordable housing
- Utilities and
- Water.

Trustee Murphy said Ms. Haley could get a copy from the village hall if she wanted. Trustee Murphy said the criterion was expanded from four to seven and the Board felt the most important one was the neutral or positive fiscal impact. He said the Board was concerned with any negative fiscal impact that a new developer would have on the tax base or the school tax base. Ms. Haley asked if the water system could handle the increased development. Trustee Murphy said that was one of the criteria. Mayor Liffland said the developer would have to prove they would have enough water to support the project and then some.

A resident asked who would determine the neutral or positive fiscal impact. Mayor Liffland responded it would be the Planning Board. Trustee Murphy said typically a developer would create some sort of Fiscal Impact Study in conjunction with their project which would be a part of the whole approval process. Trustee Durkin said there were different formulas and the Planning Board could also ask for a study to be done.

There were no other comments.

MOTION by Trustee Durkin to leave the Public Hearing on proposed Local Law No. 1 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 adopt 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. Trustee Durkin gave a brief overview of the proposed Local Law (see attached). Mayor Liffland said the proposed Local Law would give the Planning Board another tool to use allowing them to go to an architect to have a review done. Trustee Durkin said it was a needed element and would strengthen the Comprehensive Plan and zoning. Trustee Zito agreed. There was no further discussion. The roll call vote was:

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

The motion carried.

MOTION by Trustee Durkin to adopt 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 Murphy. Trustee Durkin gave a synopsis of proposed Local Law No. 3 (see attached). There was no further discussion. The roll call vote was:

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

The motion carried.

MOTION by Trustee Durkin to approve the Tax Warrant as presented (see attached). **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Mayor Liffland reported two quotes were received for the refurbishing of Well # 86 – Corbin Road in the amounts of:

The Stephen B. Church Co.	\$11,950.00
Layne Christensen Co.	\$16,950.00.

The Mayor stated he reached out to other companies and there were very few in the area that do what the village needed to have done. There was discussion on the topic.

MOTION by Trustee Durkin to approve The Steven B. Church Company refurbishing Well # 86 – Corbin Road in the amount of \$11,950.00. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

RESOLUTION

RESOLUTION NO. 051809

PASSED

RE: RESOLUTION AUTHORIZING THE VILLAGE OF PAWLING TO ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED JULY 6, 2000 AS AMENDED, WITH THE COUNTY OF DUTCHESS FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2010-2012 (AND SUCCESSIVE THREE-YEAR QUALIFICATION PERIODS) PURSUANT TO TITLE I OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND THE HOME INVESTMENT PARTNERSHIPS PROGRAM OF TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990

Trustee Tracy Durkin offers the following and moves it is adopted:
 Seconded by Trustee Robert Murphy

WHEREAS, the Secretary of Housing and Urban Development of the United States is authorized, under Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnership Program of Title II of the National Affordable Housing Act of 1990, to make grants to states and other units of general local government to help finance Community Development Programs, and

WHEREAS, it is desirable and in the public interest that the VILLAGE OF PAWLING participate in aforesaid Community Development and HOME Programs for the program year commencing Federal Fiscal Years 2010-2012, (and successive three-year qualification period); and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government, either directly or through the state, pursuant to the provisions of any Federal law which is not inconsistent with the statutes or constitution of this State, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation, and

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990, and any "Eligible Activities" thereunder are not inconsistent with the statutes or constitution of the State, and

WHEREAS, the VILLAGE OF PAWLING shall take all required actions to comply with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974 as amended, and with the provisions of the National Environmental Policy Act of 1969, Title VI of Civil Rights Act of 1964, prohibits discrimination because of race, color or national origin under any program or activity receiving Federal financial assistance, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of Title I of the Housing and Community Development Act of 1974, the Fair Housing Act, the Americans with Disability Act of 1990 Uniform Relocation Act, Sec. 504 of the Rehabilitation Act of 1973, and other applicable laws.

Further, Urban County funding is specifically prohibited for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction, or that impedes that County's action to comply with its fair housing certification.

WHEREAS the VILLAGE OF PAWLING as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

WHEREAS, participation by the County of Dutchess as an Urban County in the Community Development and HOME Programs requires that the Municipality of the VILLAGE OF PAWLING, and the County of Dutchess cooperate in undertaking, and assist in undertaking, essential community development and housing activities, specifically those activities authorized by statutes enacted pursuant to Article 9 and 17 of the New York Constitution, and

WHEREAS, the County and the VILLAGE OF PAWLING will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership ("HOME Program") which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County officials;

WHEREAS, the Board deems it to be in the public interest for the Municipality of the VILLAGE OF PAWLING to enter into a Cooperation Agreement Amendment with the County of Dutchess for the aforesaid purposes, now, therefore, be it

RESOLVED, that Mayor Robert Liffland be and hereby is authorized to execute a Cooperation Agreement Amendment between the Municipality of the VILLAGE OF PAWLING and the County of Dutchess for the purposes of undertaking a Community Development Program pursuant to Title I of the Housing and Community Development Act of 1974, as amended, and the HOME Investment Partnerships Program of Title II of the National Affordable Housing Act of 1990, for the program year commencing Federal Fiscal Years 2010-2012 (and successive three-year qualification periods).

There was no discussion; all were in favor and the resolution passed.

MOTION by Trustee Durkin to approve Mayor Liffland executing the Amendment to Urban County Cooperation Agreement. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve Mayor Liffland executing the proposed settlement agreement relating to the MTBE litigation. **SECONDED** by Trustee Murphy. Trustee Zito said she was unable to contact Michael Hayes, village attorney, on a question she had concerning the agreement and said she really wanted to hear from him. Trustee Zito asked if the agreement was something that had to be taken care of that evening. Mayor Liffland asked what question Trustee Zito had. Trustee Zito said it had to do with the May 12th MTBE litigation letter addressed to the Board - under No. 5 she had a few areas – where it was speaking about protection or treatment of wells... Trustee Durkin reminded Trustee Zito that some of the information was confidential and to be careful about what she talked about. Trustee Zito thanked Trustee Durkin and said she realized some was confidential. Trustee Zito said she was concerned with the treatment of potential contamination in the future and what that meant in relationship to approving the proposed settlement concerning MTBE. Trustee Zito said she was not prepared to move forward that evening because she was unable to connect with Mr. Hayes. Mayor Liffland said the Board had Mr. Hayes at previous meetings on the topic and with his expertise on law he felt comfortable that the village was okay by signing the agreements. Mayor Liffland said as far as the attorney went he would not steer the Board wrong. Trustee Zito said there was text here... Mayor Liffland said Trustee Zito had the chance to vote how she wanted to vote. Trustee Zito asked if there was a time limit on when it needed to be approved because she did not remember seeing anything. Mayor Liffland said the agreement would not be the last MTBE money the village would receive. He said so far the village received \$117,617.64 and in talking with the budget officer every \$10,000.00 that had to be raised would bring the tax base up 1%. There was no further discussion. The vote was:

Trustee Durkin	Aye
Trustee Osborn	Aye
Trustee Murphy	Aye
Trustee Zito	Abstain
Mayor Liffland	Aye.

The motion carried.

MOTION by Trustee Durkin to approve Mayor Liffland executing the “New” Master Agreement for PIN 8780.03 – Village Green. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Osborn to approve the 2009 MS4 Annual Report. **SECONDED** by Trustee Durkin. Trustee Murphy asked Mr. Clark if he had a chance to go over the items with the building department that needed clarification. Mr. Clark said there were some mechanical items that needed to be straightened out but there were no major changes. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Osborn to approve the March 3, 2009 and March 18, 2009 minutes. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

Historian's Report

Mr. Drew Nicholson asked the Board if they had questions regarding the written report he made about the conference he attended. Mayor Liffland said it was good that Mr. Nicholson went and a lot of the work suggested had been done which reiterated that the village was on the right track. There was discussion.

Trustees' Reports

Tracy Durkin

Trustee Durkin reported the web updates were being processed. She said there were some ongoing personnel issues that had not changed in status since her last report.

Robert Murphy

Trustee Murphy said he would have a budget report ready for the next meeting in order to have a more accurate analysis.

Wayne Osborn

Trustee Osborn said the Highway Crew started the painting process. He said the 550 transmission was ordered and the new one carried a 3 year warranty.

Colette Zito

Trustee Zito said the June 6th Hazardous Waste Disposal Day and the Plant Sale were all set. She said representatives from both entities were working together to ensure a successful event. Trustee Zito encouraged people to go online or phone and register as soon as possible. She said the All Hazard Mitigation Draft Plan was not ready for printing because it was in the hands of Councilwoman Katie Palmer-House. Trustee Zito said it was hundreds of pages long and was in several parts. She said they were working on creating a Table of Contents to make managing the document easier however residents and Board members could access the document on the Town of Dover's website. Trustee Zito explained she wanted the Board to know that it was not set to move forward for review but was close. Trustee Murphy asked what the status of the reimbursement was from the State. Trustee Zito said that was moving along very well and the Board should start seeing reimbursements beginning in September. There was discussion on the reimbursement process. Trustee Zito said the Board asked her to get estimates on looking at the valves and radiators and moving the valves in the ceiling specifically above the salon to hopefully prevent future leaks. She said Big Daddy's Plumbing and Heating came out for a site visit and she was working with the Master Plumber on assessing and evaluating the preventive measures on a per unit and per location basis. The Board

reviewed the estimates received and recommended getting two more quotes. Trustee Zito asked the public for more volunteers to tape the meetings to ensure a set time slot on the ComCast schedule. Mayor Liffland asked Trustee Zito where she was with the roof repairs. Trustee Zito gave a summary of what had been done over the past nine months. She said she would be meeting with Curt Johnson, a village engineer, that week to go over the abatement plan. She said the Board had agreed in the majority to break up some of the repairs and the chimney, some of the slate and a copper hip was repaired. Trustee Zito said there had been issues with the re-pointing of the chimney and the copper hip over the DMV because certain items had not been in the quote that the Board had approved. Mayor Liffland said he spoke with the contractor and was assured that the re-pointing did not have to be done and would not cause any safety concerns. Trustee Zito said if the Board was not interested in re-evaluating the chimney and the copper hip by the DMV then the last leg was working with Curt Johnson. Trustee Durkin said the re-pointing did not seem to be an issue but the Board should deal with the copper hip. Trustee Zito asked if it was the Board's interest to have the contractor install the missing copper hip on the roof over the DMV with a new copper hip to match the existing profile. The Board agreed.

MOTION by Trustee Zito that JTS Corporation, in the amount of \$986.00, install a missing copper cap on hip of roof over the DMV – a new copper to match existing profile.
SECONDED by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

Trustee Murphy asked why the whole asbestos problem was taking so long because the memo from Envirologic was received in October. He said he did not feel the project had moved forward at all other than what the Board heard about at the meetings. Trustee Murphy said one of the most important parts of the project was the asbestos removal and he did not know why the engineers and Trustee Zito could not be moving forward on the asbestos matter from October until present because it sounded like nothing had been done for seven or eight months. Trustee Zito said that was not accurate because she had been working on each and every step. She said if Trustee Murphy remembered when the Board agreed to hire JTS she had six or seven proposals for the Board which were broken out into two different jobs. She said there was an enormous amount of time and consistent work on the Village Hall roof. Trustee Murphy said he was not talking about the chimney or the copper hip he was talking about the asbestos issue and the replacement of the flat roof because it did not seem like anything had been done since October. Trustee Zito said that was not true and she would have Curt Johnson put something together showing where they were in the entire process. Trustee Murphy said that was the last email they received and other than some periodic updates from Trustee Zito most of the updates had to do with when the Board decided to break portions out of the project and were concentrating on the chimney repair, the slate repair and the copper hip repair and there was very little if no discussion about the asbestos removal. Trustee Zito said she would be meeting with Curt Johnson that week. Trustee Murphy said a status report would be great. Trustee Zito said it was a process with the Department of Labor.... Mayor Liffland said it still was not a nine month process and the ceiling was ruined and the rug was ruined and Trustee Zito was worried about TNT which was under the Village offices so what would get ruined next. Trustee Zito said a lot of what was ruined had to do with the fact that for many years there were an awful lot of repair jobs that in her opinion were patch jobs. Mayor Liffland said the leak in the court happened when the core samples were done and were not repaired. Trustee Zito said there were many contributing factors... Mayor Liffland said he was sorry but he disagreed. Trustee Zito said she disagreed with the Mayor. Mayor Liffland asked why the core samples were not repaired. Trustee Zito said there were many years of need of repair on the roof. Mayor

Liffland said the core samples were never filled in and he just wanted the job done. Trustee Zito said it was moving along. Trustee Murphy said he did not know how it was moving along because a few months ago Trustee Zito gave the Board an estimate for a temporary fix to the flat roof at \$7,000.00, the assumption being that the roof work was not going to be done for quite a while. Trustee Zito said that was not the assumption – it was her response to sharing information from a contractor who chose to put the estimate together for the consideration of the Board. She said it was not the intention that the abatement issue was going to go on forever because she put together an action plan and she was working with the engineer and that was where she stood. She encouraged the Board members to pick up the phone and speak with the engineers if they were not satisfied with the answers she was providing. Mayor Liffland said he would make the phone call because he was not satisfied.

Mayor's Comments

Mayor Liffland reported the village was on a water restriction due to the loss of over 40,000 gallons out of the source tank. He said during that time a leak detection company was hired to check for leaks and a leak was found and repaired at the high school. Mayor Liffland said three more leaks were found and they would also have to be repaired. He said if the village did not have a certain amount of water a boil water notification would have to be issued so he called the county. Mayor Liffland said once he called the county a process began whereby it was found that the State has a portable filtration plant in Queensbury. He said there was a lot of work to adapt the filtration plant to the reservoir and he was waiting on one more test in order to put the filtration system on line which would allow him to begin the process on redeveloping the 86 well. Mayor Liffland said on Saturday the tank was getting lower so he made the decision to truck water in to fill the tank and they were keeping an eye on the situation. Mayor Liffland said he attended a Mayor's and Supervisor's Meeting where a representative from the Governor's office gave a presentation on the MTA rate hike. He said nobody agreed with the hike and thought it was a tax to the business people which was unfair. Mayor Liffland said there would be another increase to motor vehicle registrations and they tried to send a message to the Governor that the way he was trying to raise money was not reasonable. He said he received a letter from the Governor's Office regarding the water projects and MS4 money for the stimulus funding.

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

Village Clerk (minutes typed from tape)