

DATE OF MEETING: October 5, 2009

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Deputy Mayor Tracy Durkin
Trustee Wayne Osborn
Trustee Robert Murphy

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance followed by a moment of silence in remembrance of Gloria Belknap, former Village Treasurer.

Deputy Mayor Durkin reported the Mayor could not make the meeting but sent along a memo to be read.

“The Mayor would like to thank all who participated in the Walkway Over the Hudson event, with special thanks to all those who helped with banners and flags. He wanted to give a great big thank you to Drew Nicholson and Amanda Buehler for their organization of the event and all their assistance.

County Executive Bill Steinhaus announced the schedule for the county’s 2009 flu and pneumonia vaccination clinics. There will be a clinic in Pawling at Lakeside Park on October 15th from 10 A.M. to 12 P.M. – the cost being \$39.00 for the flu vaccine and \$58.00 for the pneumonia vaccine, both vaccines are covered by Medicare Part B. The hotline number for is 486-3435 for questions. CVS will also be holding a flu clinic on October 14th and November 7th from 10 A.M. to 2 P.M. [Deputy Mayor Durkin asked Susan Macura, a reporter for The Pawling Press, if she could publish those schedules].

The Mayor wanted to say how sad he was to announce the passing of Gloria Belknap who worked as Treasurer for many years and was the Pawling Joint Sewer Commission Secretary Linda Murray’s mother.”

Village Historian Drew Nicholson said 21 people from Pawling attended the Hudson Walkway celebration. He showed the flags and emblems that were carried. Mr. Nicholson said a good time was had by all. There was discussion about the event.

MOTION by Trustee Murphy to approve the waiver to Water Account #414 for the penalty in the amount of \$13.54 due to customer not receiving bill. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

The Board reviewed the proposal received from Vincent L. Adams for work to be done in the court room in the amount of \$2,400.00 to be paid through grant funds. Trustee Murphy recommended that Court Clerk Daniels get more bids per the procurement policy. It was agreed upon by the Board.

MOTION by Deputy Mayor Durkin to approve the Resolution regarding the Settlement for Village Green bills between the PCF, Stantec and the Village Board. **SECONDED** by Trustee Murphy.

RESOLUTION

WHEREAS, the Village of Pawling has entered into a Professional Services Agreement with Stantec Consulting Services, Inc. for engineering services relating to the design and construction of the Village Green (the "Agreement"); and

WHEREAS, Pawling Community Foundation has agreed to reimburse the Village for the reasonable cost of engineering services that are provided by Stantec pursuant to the Agreement; and

WHEREAS, a dispute has developed between the Village, Pawling Community Foundation, and Stantec regarding certain unpaid professional services invoices totaling more than \$200,000 that Stantec has issued to the Village relating to the Agreement; and

WHEREAS, the Village, Pawling Community Foundation, and Stantec have engaged in substantial good faith settlement discussions in an attempt to resolve this dispute without resort to cost and uncertainty associated with litigation; and

WHEREAS, the Village, Pawling Community Foundation, and Stantec have agreed to settle this dispute as follows: (a) the Village will make a payment to Stantec in the amount of \$115,000, (b) this payment will be funded using money that Pawling Community Foundation will release to the Village upon adoption of this Resolution, (c) Stantec will accept this \$115,000 payment as payment in full for all amounts due under the Agreement through the date of this Resolution, plus any additional design services that may be necessary to obtain final New York State Department of Transportation approval of the Village Green project, and (d) in exchange for the \$115,000 settlement payment, Stantec will provide the Village and Pawling Community Foundation with a Release in form acceptable to the Village Attorney, releasing and all claims that Stantec has or may have against the Village and/or Pawling Community Foundation relating to or arising from the Agreement; and

WHEREAS, the Village Board of Trustees has determined that settling this billing dispute on these terms is in the best interests of the Village of Pawling.

IT IS HEREBY RESOLVED that the Board of Trustees for the Village of Pawling approves the proposed settlement of this billing dispute on the terms set forth in this Resolution; and

IT IS FURTHER RESOLVED that the Board of Trustees for the Village of Pawling authorizes Mayor Liffland to sign all necessary documents to effectuate this settlement, subject to prior review and approval of those documents by the Village Attorney; and

IT IS FURTHER RESOLVED that the Board of Trustees for the Village of Pawling authorizes Mayor Liffland to take such other and further ministerial action as may be required to carry out and effectuate the settlement agreement.

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

Mayor Liffland

Absent

| | |
|----------------|---------|
| Trustee Durkin | Aye |
| Trustee Murphy | Aye |
| Trustee Osborn | Aye |
| Trustee Zito | Absent. |

The motion carried.

MOTION by Trustee Murphy to approve the minutes from August 3, 2009. **SECONDED** by Deputy Mayor Durkin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Murphy to schedule a Public Hearing for proposed Local Law #4 of 2009 entitled "A Local Law to Update Minimum Stormwater Management Requirements and Controls by revising Article XVII "Stormwater Management" of the Village Code." **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

RESOLUTION

Trustee Robert Murphy, seconded by Trustee Wayne Osborn, introduced the following proposed local law, to be known as Proposed Local Law No.4 of 2009, entitled "A Local Law to Update Minimum Stormwater Management Requirements and Controls by revising Article XVII "Stormwater Management" of the Village Code."

Be it enacted by the Board of Trustees of the Village of Pawling as follows:

Article 1. Stormwater Management

Section 1. Findings of Fact

It is hereby determined that:

- 1.1 The NYSDEC has issued an new General Permit, GP-0-08-002, titled: "SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems."
- 1.2 The requirements of GP-0-08-002, Part IX " Additional Minimum Control Measures – Watersheds with Improvement Strategies requires that Communities in the "East of Hudson Watershed" enact more stringent requirements for regulation of Land Development Activities.

Section 2. Purpose

The purpose of this local law is to enact the more stringent stormwater management requirements and controls mandated by the NYDEC in the "East of the Hudson Watershed", and thereby comply with the requirements of GP-0-08-002.

Section 3 Severability and Effective Date

4.1 Severability

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this local law shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this local law.

4.2 Effective Date

This Local Law shall be effective upon filing with the office of the Secretary of State.

Article 2. Itemized Revisions

Chapter 98, Zoning Law, of the Village of Pawling Village Code is hereby amended as follows:

Section 98-65 “Site Plan Approval”

Section 98-65(B)(5) is hereby amended to read as follows:

“Swamp River Watershed. Any Land Development Activity exceeding the disturbance levels identified in Section 98.88(A)(4) of this Chapter.”

Section 98-65 is hereby further amended by adding a new section 98-65(B)(6) to read as follows”

“East Branch Croton Watershed. A Land Development Activity exceeding the disturbance levels identified in Section 98.88(A)(4) of this Chapter shall be subject to site plan approval if it exceeds 15,000 square feet, or if it is part of a Land Development Activity with an Ultimate Area of Land Disturbance of more than 15,000 square feet.”

Section 98.86 “Applicability”

Section 98.86(D) is amended to read as follows:

“All Land Development Activities that are subject to review under this law, but that are not subject to review by the Planning Board pursuant to Section 98.86(C), shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer, who shall approve the SWPPP if it complies with the requirements of this law.

The Stormwater Management Officer is authorized to retain a professional engineer to assist in this review process. If the Stormwater Management Officer concludes that a professional engineer should be retained to review the SWPPP, the applicant shall be required to fund an escrow account for the purpose of reimbursing the Village for the reasonable engineering fees and costs incurred during this review process.”

Section 98.88 “Stormwater Pollution Prevention Plans”

Section 98.88(A)(1) is amended to read as follows:

“No application for approval of a Land Development Activity shall be approved until a SWPPP has been prepared and approved in accordance with this law.”

Section 98.88(A)(3) is amended to read as follows:

“Requirements for the East Branch Croton Watershed. A SWPPP shall be required for Land Development Activities of equal to or greater than five thousand (5,000) square feet, or activities disturbing less than five thousand (5,000) square feet, if part of an activity with an Ultimate Area of Land Disturbance greater than 5,000 square feet.”

Section 98.90 “Maintenance, Inspection and Repair of Stormwater Facilities”

Section 98.90(A)(2) is amended to read as follows:

“For land development activities as defined in Section 1 of this Article and meeting Condition “A” in Section 2.2.2, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices at the frequency specified in the general permit for Construction Activities. Inspection reports shall be maintained in a site log book. All inspection reports should be provided to the Stormwater Management Officer the next business day after completing the Inspection.”

Deputy Mayor Tracy Durkin advised the Village Board that, pursuant to the Municipal Home Rule Law of the State of New York, it was necessary to hold a public hearing upon this local law. Trustee Robert Murphy offered the following resolution, which was seconded by Trustee Wayne Osborn, who moved its adoption:

WHEREAS, on October 5, 2009, Trustee Robert Murphy has introduced this local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. 4 of 2009, entitled “A Local Law to Update Minimum Stormwater Management Requirements and Controls by revising Article XVII “Stormwater Management” of the Village Code”

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Hall on October 19, 2009, at 7 o’clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Pawling by the Village Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Board of Trustees of the Village of Pawling will hold a public hearing at the Village Hall, 9 Memorial Avenue, Pawling, New York on October 19, 2009, at 7 o’clock p.m., Prevailing Time on Proposed Local Law No. 4 of 2009, entitled “A Local Law to Update Minimum Stormwater Management Requirements and Controls by revising Article XVII “Stormwater Management” of the Village Code”

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Village of Pawling Village Hall, 9 Memorial Avenue, Pawling, New York, during normal business hours between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested and citizens

shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Pawling, New York
October 5, 2009

JENNIFER OSBORN, VILLAGE CLERK

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

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

The motion carried.

Deputy Mayor Durkin explained a Public Notice was provided by Village Engineer Bart Clark that notifies contractors of the new training requirements set forth in the new Local Stormwater Law. She said according to the DEC contractors have to take 4 hours of training in Soil Erosion and Sediment Control every three years.

MOTION by Trustee Murphy to publish the Public Notice upon adoption of Local Law # 4 of 2009. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

Mr. Clark stated the village entered into an agreement with the other East of Hudson Communities to prepare a joint retrofit plan required by the Stormwater Permit. He said it was due by the end of the year so he put together a notice to request the communities get together to have a meeting. Mr. Clark said he felt the village should spearhead the effort in order to comply with the requirements of the permit. The Board was in agreement to set the meeting up.

There was discussion about putting a stop sign up to stop westbound traffic on East Main Street before Memorial Avenue and a stop sign up a Pine Drive and Douglas Drive. After discussion the Board did not favor the stop sign on Memorial however the Pine Drive stop sign was favored once there was location clarification from the resident who requested it.

MOTION by Trustee Murphy to approve Curt Johnson as Architect for the Planning Board. **SECONDED** by Trustee Osborn. Trustee Murphy asked if it was for just one project. Deputy Mayor Durkin responded Mr. Johnson would be available for the Planning Board as Architect if they needed him for any project. There were some clarification questions from the public. There was no further discussion; all were in favor and the motion carried.

Trustee Murphy reported the Tentative Garbage Budget would be discussed at the October 19th meeting.

MOTION by Trustee Murphy to approve the August bills in the amount of \$54,208.39. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Osborn to adjourn the meeting at 7:45 P.M. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Village Clerk