

DATE OF MEETING: November 2, 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 continue the Public Hearing on 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.

Mayor Liffland said a change was made at the previous meeting to correct a typographical error.

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

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

**MOTION** by Trustee Durkin to declare a Negative Declaration on the EAF for proposed Local Law #4 of 2009. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

### **RESOLUTION**

Trustee Tracy Durkin, seconded by Trustee Robert Murphy, introduced the following local law, to be known as 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:

#### **Section 1. Findings of Fact**

It is hereby determined that:

- 1.1 The NYSDEC has issued a 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**

- 3.1 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.
- 3.2 Effective Date. This Local Law shall be effective upon filing with the office of the Secretary of State.

## **Section 4. Site Plan Approval**

Section 98-65(B)(5) of the Village Code 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 5. Stormwater Control – “Applicability”**

Section 98.86(D) of the Village Code 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 6. Stormwater Control - “Stormwater Pollution Prevention Plans”**

Section 98.88(A)(1) of the Village Code 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 7. Stormwater Control - “Stormwater Pollution Prevention Plans”**

Section 98.88(A)(3) of the Village Code 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 8. Stormwater Control - “Maintenance, Inspection and Repair of Stormwater Facilities”**

Section 98.90(A)(2) of the Village Code is amended to read as follows:

“For land development activities as defined in Section 1 of this Article and meeting Condition “A” in Section 98.88(B)(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.”

**Section 9.** This local law shall take effect immediately upon filing with the New York State Department of State.

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.

Ms. Dolores Ragsdale gave an update on Progress for Pawling.

Trustee Robert Murphy went over the 2010 Garbage Budget (see attached). There were no changes made and the price was set at \$165.30 a unit. Trustee Murphy scheduled the apportionment hearing for December 7, 2009.

Trustee Durkin gave an update on the status of the village Master Plan. She stated Roger Akeley of Dutchess County Planning and Development suggested the community work on the update first and bring in a planner at a later stage in order to save money.

**MOTION** by Trustee Durkin to approve Mayor Liffland signing the contract with Stantec for bidding and construction services for the Village Green. **SECONDED** by Trustee Osborn.

### **RESOLUTION**

WHEREAS, the Village of Pawling previously 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 "Prior Agreement"); and

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

WHEREAS, a dispute developed between the Village, Pawling Community Foundation, and Stantec regarding certain unpaid professional services invoices relating to the Prior Agreement; and

WHEREAS, the Village, Pawling Community Foundation, and Stantec reached a mutually acceptable settlement of the disputed invoices under the Prior Agreement, and the Village Board approved that settlement in a Resolution dated October 5, 2009; and

WHEREAS, the Village has determined that it would be the most prudent use of economic resources available for the Village Green Project, and that it would be in the best interests of the Village, to continue to retain Stantec to provide certain, limited professional services during the bidding and construction phases of the Village Green Project; and

WHEREAS, those limited professional services are described in a Stantec proposal dated October 28, 2009 entitled "2d Revision – Bidding and Construction Phase Services" (the "Bidding and Construction Proposal"); and

WHEREAS, Pawling Community Foundation has agreed to reimburse the Village for the cost of the engineering services that are provided by Stantec pursuant to the Bidding and Construction Proposal.

IT IS HEREBY RESOLVED that the Board of Trustees for the Village of Pawling approves engaging Stantec to provide the professional services identified in the Bidding and Construction Proposal, the expense of which will be reimbursed by Pawling Community Foundation; and

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

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 the waiver to Water Account #158 for the penalty in the amount of \$10.95 due to the customer being sick out of town. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Murphy to approve the adjustment to Water Account #206 in the amount of \$32.78 due to a faulty meter. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Murphy to approve the 2010 Metro North Parking Management Plan. **SECONDED** by Trustee Durkin. There was no further discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve the October bills in the amount of \$51,778.62. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve the October 27, 2009 prepaids in the amount of \$9,225.18. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Mr. Michael Hayes, Village Attorney, reported he researched the Baxter Green plowing issue and was alerted to a statute under Village Law 4-414 that allowed for assessments for other than local improvements. He said the NYS statute would give the Village Board the authority to adopt a Local Law whereby it would create a set of standards and a mechanism for a notice procedure. Mr. Hayes said this would allow the village to go in, plow and charge the cost back to the property owner through a tax levy. He said there were 2 primary risks to the bond claim – it would hold the bond claim up and the owner could be a corporate shell and the village would never see the funds returned.

**MOTION** by Mayor Liffland to authorize Mr. Hayes to draft the Local Law and hold a Public Hearing. **SECONDED** by Trustee Zito. Trustee Murphy said he did not think it was worth the effort and the village's best case was to move along with the bond. Trustee Zito asked if as long as the Board does not adopt the Local Law there was no risk with the bond. Mr. Hayes responded that was correct. Trustee Murphy said he did not see the village being at any better advantage by drafting the Local Law. There was discussion on the pros and cons of sending something to Mr. Berelson about the possibility of the Local Law. Trustee Durkin asked what the time frame would be to discuss the Local Law. Mr. Hayes said he could try to have a draft ready sometime in November. Trustee Durkin said she understood the predicament of the people at Baxter Green and she was also aware of the inherent risks. There was discussion about the possibility of Mr. Berelson completing the blacktopping during the current year. There were questions from the audience.

Trustee Zito said it would be a great first step to open the topic up to the public. There was discussion about the buses being able to drive on the roads. The vote was:

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

Motion denied.

**MOTION** by Trustee Durkin to adjourn the meeting at 7:55 P.M. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

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Village Clerk