

DATE OF MEETING: May 19, 2008  
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 approve the following Resolution endorsing the Collateral Source Bill. **SECONDED** by Trustee Osborn.

**WHEREAS**, a present inequity exists in that only municipalities and other public employers in New York State must pay a plaintiff's double recovery for lost future earnings in personal injury lawsuits, which occurs when the lawsuit is brought against the public employer by one of its employees; and

**WHEREAS**, what is known as the Collateral Source Bill (S.4164/A.2989) has been introduced to correct this inequity so that all plaintiffs and defendants, public and private, are treated equally regarding jury awards for lost future wages; and

**WHEREAS**, the Collateral Source Bill does not in any way limit jury awards for pain and suffering; and

**WHEREAS**, currently there are over 1,360 municipalities and other public entities urging the Bill's enactment and 50 legislative sponsors (including Senator Leibell); and

**WHEREAS**, the Board of Trustees of the Village of Pawling wishes to endorse this Collateral Source Bill and urges its adoption and approval.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

1. The recitations above set forth are incorporated in the Resolution as if fully set forth and adopted herein.
2. The Village Board of the Village of Pawling hereby joins with Senator Vincent Leibell in his support of the Collateral Source Bill (S.4164/A.2989) and urges the support of Governor David Patterson, Assembly Speaker Sheldon Silver, Senate Majority Leader Joseph Bruno, and Assemblyman Greg Ball for its adoption and approval.

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.

Mr. Bart Clark, a village engineer, gave a presentation on the MS4 Draft Annual Report for Year 5. The Board decided to review the summary of goals listed in the 2008 Annual Report at a later time.

Dr. Katie Palmer-House, a Council member of the Dover Town Board, was present to ask the Village Board to consider reviewing and approving an Intermunicipal Agreement between the village and eight other communities and to move forward in developing an All Hazards Mitigation Plan.

**MOTION** by Trustee Durkin to approve the following resolution regarding the village's participation in the Hazard Mitigation Grant Program. **SECONDED** by Trustee Osborn.

**WHEREAS**, Section 404 of the Stafford Act provides the process for a community to apply for funding to be used for a variety of hazard mitigation activities; and

**WHEREAS**, the Federal Emergency Management Agency ("FEMA") provides funding for hazard mitigation activities through the New York State Emergency Management Office ("SEMO"); and

**WHEREAS**, Article 5-G, section 119-o of the New York General Municipal Law, provides municipalities with the authority to enter into inter-municipal cooperation agreements to jointly perform services each separately has the power to perform; and

**WHEREAS**, several municipalities of Dutchess County applied to FEMA for a grant under the Hazard Mitigation Grant Program to prepare an inter-municipal Multi-Hazard Mitigation Plan; and

**WHEREAS**, in a letter dated August 21, 2007, FEMA approved the grant application submitted by the municipalities of Dutchess County; and

**WHEREAS**, the grant from FEMA is designed to cover the cost of hiring a consultant to prepare the Multi-Hazard Mitigation Plan; and

**WHEREAS**, the Town of Dover has been designated as the agent for the other participating municipalities for purposes of entering into agreements with SEMO and the consultant to prepare the Multi-Hazard Mitigation Plan; and

**WHEREAS**, in order to participate with the other municipalities in the development of the Multi-Hazard Mitigation Plan, the Village of Pawling must enter into an inter-municipal agreement with those participating municipalities; and

**WHEREAS**, the total amount of the Multi-Hazard Mitigation Plan development project will be approximately \$200,000; and

**WHEREAS**, the participating municipalities, including the Village of Pawling, must collectively provide a 25% match of the \$200,000 project cost (i.e. \$50,000.00); and

**WHEREAS**, the remaining 75% of the estimated \$200,000 project cost (\$150,000.00) is eligible for reimbursement from FEMA; and

**WHEREAS**, the participating municipalities, including the Village of Pawling, will be required to advance funds to pay the consultant for the cost of preparing the Multi-Hazard Mitigation Plan, and will then be eligible for reimbursement of these costs by FEMA; and

**WHEREAS**, the Village Board of Trustees wishes to participate in the Hazard Mitigation Grant Program for the purpose of developing a Multi-Hazard Mitigation Plan, and to enter into an inter-municipal agreement with the other participating municipalities for this purpose; and

**WHEREAS**, pursuant to section 617.5(18) of the SEQRA regulations, information collection including basic data collection and research, water quality and pollution studies, traffic counts, engineering studies, surveys, subsurface investigations and soils studies that do not commit the agency to undertake, fund or approve any Type I or Unlisted action, constitutes a Type II action that is not subject to review under SEQRA; and

**WHEREAS**, pursuant to section 617.5(21) of the SEQRA regulations, conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action constitutes a Type II action that is not subject to review under SEQRA, provided those activities do not commit the agency to commence, engage in or approve such action; and

**WHEREAS**, the preparation of the Multi-Hazard Mitigation Plan constitutes information collection, feasibility assessment, and preliminary planning processes that do not commit the Village Board to undertake, fund or approve any Type I or Unlisted action.

**NOW THEREFORE BE IT RESOLVED** that the Village Board of Trustees concludes that the Village's participation in the Hazard Mitigation Grant Program for the purpose of developing a Multi-Hazard Mitigation Plan constitutes a Type II action that is not subject to review under SEQRA pursuant to sections 617.5(18) and 617.5(21) of the SEQRA regulations; and

**BE IT FURTHER RESOLVED** that the Village Board of Trustees hereby agrees to participate in the application for a FEMA grant to fund the Multi-Hazard Mitigation Plan, and to enter into an inter-municipal agreement with the other municipalities of Dutchess County for the purpose of applying for and administering the FEMA grant; and

**BE IT FURTHER RESOLVED** that the Village Board of Trustees hereby authorizes the Mayor to execute an inter-municipal agreement with the other municipalities participating in the Multi-Hazard Mitigation Plan, subject to technical review and approval of that agreement by the Village Attorney; and

**BE IT FURTHER RESOLVED** that the Mayor is hereby authorized to take such other and further administrative and ministerial action as may be necessary for the Village of Pawling to participate in the Multi-Hazard Mitigation Grant program.

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.

Mr. Robert Flood, a resident of the village, complained about cats in his neighborhood. He asked questions pertaining to litigation on his property.

**MOTION** by Trustee Durkin to approve the Tax Warrant dated June 1, 2008. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve the following Resolution supporting the application for Water Quality Planning & Implementation Grants for Communities in the NYC Watershed. **SECONDED** by Trustee Osborn.

Resolution authorizing the items listed below pursuant to the Water Quality Planning and Implementation Grants.

**WHEREAS**, Dutchess County, Village of Pawling

Herein called the "Municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

**WHEREAS**, State assistance to municipalities for water quality improvement projects by means of contract and the Municipality deems it to be in the public interest and benefit under this Law to enter into a contract therewith;

**WHEREAS**, the Towns of Beekman, East Fishkill and Village of Pawling are within the East of Hudson New York City Watershed boundaries, and

**WHEREAS** the Towns of Pawling, Beekman, East Fishkill and Village of Pawling are members of the Dutchess County MS-4 Coordination Committee.

**NOW, THEREFORE, BE IT RESOLVED** that the Town of Pawling is authorized to make application to the New York State Department of State Water Quality Planning and Implementation Grant for the purpose of implementation of water quality enhancement projects.

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 raising the fee for Zoning Books to \$35.00 and Comprehensive Plans to \$25.00. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Murphy to approve raising the filing fees for the Planning Board and Zoning Board of Appeals from \$100.00 to \$200.00. **SECONDED** by Trustee Durkin. Trustee Murphy explained it was per the request of the Planning Board and ZBA. There was no further discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve Pay Request # 3 from Trigger Construction in the amount of \$9,975.00 for the Memorial Avenue Sidewalk project contingent on approval by the County. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve the following Resolution for application to the New York State Department of Environmental Conservation Urban and Community Quick Start Grant. **SECONDED** by Trustee Zito.

**WHEREAS**, the New York State Department of Environmental Conservation is committed to implementing a successful Urban and Community Forestry Program by providing support and assistance to communities in comprehensive planning, management and education in order to

create healthy urban and community forests, thereby enhancing the quality of life for the communities' residents; and

**WHEREAS**, the New York State Department of Environmental Conservation has made available an Urban and Community Forestry Grant to communities with focus on air quality for establishing an environmental outreach program utilizing awarded funds with a 50% match to plant trees and shrubs and to establish a maintenance program for promoting air quality, and

**WHEREAS**, the Village of Pawling Board of Trustees has determined that it would be in the best interests of the Village of Pawling to apply for the Urban and Community Forestry Grant for the purpose of organizing the involvement of the Village residents and officials to foster a long-term commitment to a tree management program;

**NOW, THEREFORE BE IT RESOLVED** that the Village of Pawling Board of Trustees hereby authorizes and directs Trustee Colette Zito, or her successor, Village Clerk Jennifer Osborn, to file an application for 50% matching funds for an Urban and Community Forestry Grant in an amount not to exceed \$2,500.00 and upon approval of said request to enter into and execute a project agreement with the New York State Department of Environmental Conservation for such financial assistance to the Village of Pawling for the "Every Day Is Earth Day" project.

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 May 5, 2008 minutes. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Durkin to approve May's bills in the amount of \$9,975.00. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

## **Trustees' Reports**

### **Tracy Durkin**

Trustee Durkin said the Dutchess County Planning Federation held their award ceremonies. She reported the pruning was done on the Memorial Avenue trees and she hoped they would thrive. Trustee Durkin said she wanted to do a Certificate of Appreciation for Hazel Osborne for all her years of service. She said she was working with community members on having the village receive a Preserve America designation. Trustee Durkin said there was a Town Comprehensive Plan meeting which included discussion on a town center to be located on Route 22. She asked the Board to reiterate to the Town Board that they all felt the village was very special and unique and was the psychological center of the town.

### **Wayne Osborn**

Trustee Osborn reported the Highway Department began their painting project. He said the streets were all swept and he would schedule the Metro North lot to be swept in June. There was discussion on the roads at the Baxter Green development.

## **Robert Murphy**

No report.

## **Colette Zito**

Trustee Zito stated she was working on the RFP for the Village Hall flat roof. There was discussion on the status of the installation of the last street light at Baxter Green. There was discussion on street light outages.

## **Mayor's Comments**

Mayor Liffland said Homeland Towers would be floating a balloon on the 29<sup>th</sup> to approximate what the communication tower might look like as well as to take new photos of the location.

## **Public Comment**

Mr. Earl Slocum, a resident of East Main Street, asked the Board to seriously consider a yard ordinance where the village would go in and clean up yards and bill the owner. Mr. Slocum said he read an article about a community banning all signs on public property and he thought the Board should look into it. He stated it drove him crazy when people put grass on the clean streets after the sweeper passed.

Ms. Christine Walters, a Baxter Green resident, talked about the State Troopers being called to her development due to kids hanging out at the pump house. She asked about the Neighborhood Watch Program.

Mr. Clark went over the 2009 MS4 Goals with the Board.

**MOTION** by Trustee Durkin to close the meeting at 9:28 P.M. **SECONDED** by Trustee Osborn. There was no discussion; all were in favor and the motion carried.

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Village Clerk