

DATE OF MEETING: September 8, 2008

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Tracy Durkin
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 Public Hearing to discuss applications for a Community Development Block Grant for the 2009 program year for Water Development. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said the Board decided to look for water development for the community. He opened the topic up to the public.

Mr. Earl Slocum, a resident of East Main Street, said he thought water was great.

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

The Board was in agreement to make an application for water development for the community for the 2009 Program Year Community Development Block Grant.

Mayor Liffland thanked Roger Akeley and Jennifer Coccozza, of Dutchess County Planning and Development, and Nancy Tanner, Mike Cerny, Bill McGuinness, Charlie Daniels and Jeanne Scigliano for all their help with their review of the code.

Mr. Akeley said the committee appointed was extraordinary because they went into a lot of detail and made a lot of incremental changes. He said he thought that what was going to be presented would be workable, would help make the village better and would improve the zoning. Mr. Akeley turned the presentation over to Mr. Mike Cerny.

Mr. Cerny said the committee looked at the Senior Housing Law that was drawn up in connection with a proposal submitted for the "Umscheid property". He said it became clear that in order to make a change for that parcel the two other large parcels within the village needed to be addressed. He said the Ad Hoc Committee was created to take all the issues and concerns that were raised during the Public Hearings on the Senior Housing Law and put them together to see if they could be balanced out for responsible development. Mr. Cerny said the committee looked at the Incentive Zoning provision and how to enhance the Community Objectives. He commented one concern was the issue of fiscal impact and the suggestion to address the concern was to have a study done to show if it would have a positive, negative or neutral impact. Mr. Cerny said the next objective was Design Conformance and Urban Regulations Conformance which was in the code and would allow the Planning Board to sit down with an architectural consultant to make sure that what was in the Master Plan would be followed. He said the third objective was Open Space which said the applicant

must maintain a minimum of 25% of the subdivision's land area as open space. Mr. Cerny said the fourth objective – Recreational Facilities – was new. He said recreational facilities would be very important in regards to “active adults” and with the trend of the community. Mr. Cerny stated the fifth objective – Affordable Housing - was not changed. He said number six was Utilities and the committee recommended requiring the developer to connect to the sewer and water system. Mr. Cerny said he believed there were really seven objectives because to get the bonus the developer would have to provide a well. Mr. Cerny explained the program would apply to parcels 45 acres or larger and the density would be 7 times the 40,000 square foot limit (Allowable Density Calculation). He said the last suggestion was to have an Architectural Conformance Review. Mr. Charlie Daniels said the committee tried to strike a balance with the incentives that would make a developer want to pursue a project in the village and benefit the village. Mayor Liffland opened the floor to the public.

Mr. Rudy Umscheid, a property owner in the village, spoke about his parcel of land and how he was committed to making his project work for the community and developer.

Mr. Earl Slocum, a resident of East Main Street, thanked the Committee, Roger Akeley and Jennifer Coccozza for their hard work and dedication.

Mr. Drew Nicholson, Village Historian, asked how historical preservation fit into the code. Ms. Coccozza said that was addressed under SEQRA.

Mr. Bob Marvin, an attorney working with Mr. Umscheid, spoke about his concerns with the discretionary powers given to the Boards. Mr. Marvin said he was also concerned the Architectural Review might be an unnecessary burden to some people.

Trustee Durkin asked if the recommendations encompassed the village. Mr. Cerny said it did. Trustee Durkin asked if a developer could choose to go the route outlined. Ms. Coccozza responded that was correct. Trustee Durkin asked how the Fiscal Impact survey would be structured. Mr. Akeley said the methodology would be up to the Board. Trustee Durkin said she agreed about discussion on the Affordable Housing topic. She appealed to the Mayor that the rest of the Master Plan be reviewed.

Trustee Murphy asked when the Board would require the Fiscal Impact survey. Ms. Coccozza said it would be done at the beginning of the project. Trustee Murphy said he hoped there would be leeway with the recreational lands, facilities and programs and that the Board would be given room to maneuver. Mr. Daniels said one committee member felt strongly that there be an “in lieu of” fee.

Mayor Liffland asked if there was anything regarding putting the infrastructure in before building was started. Mr. Hayes, Village Attorney, said he would have to look at the state statute. Mayor Liffland asked where the Board wanted to go next. Trustee Durkin said she wanted to see things move forward and suggested having another workshop. Mayor Liffland asked Trustee Durkin to be in charge of the project.

MOTION by Trustee Durkin to schedule a Public Hearing for the purpose of discussing the recommended zoning changes for the September 22, 2008 meeting.

SECONDED by Trustee Murphy. Trustee Murphy asked if everyone would be available for that meeting. **Trustee Durkin amended her motion** to say the meeting would be a Special Meeting on September 29, 2008. **SECONDED** by Trustee Murphy. There was no further discussion; all were in favor and the motion carried.

Mayor Liffland reported the Board negotiated with Dutchess County regarding the DMV lease. Mr. Hayes said the County offered a contract increase based on the CPI index for the 10 years the village did not receive an increase.

MOTION by Trustee Durkin to accept the \$12,456.00 per year as rent for the DMV. **SECONDED** by Trustee Murphy. Trustee Durkin said the CPI argument was good but she had a problem with the County saying they are only at the Pawling DMV office 2 days a week because it is the DMV all the time. Trustee Murphy said he thought the village did a lot of renovations. Trustee Durkin asked if the CPI increase would be included in the agreement. Mr. Hayes said it was a one year extension and would have to be negotiated again next year. There was no further discussion; all were in favor and the motion carried.

Mayor Liffland said he spoke with the headmaster of Trinity Pawling who said it was okay for the village to proceed with the installation of the communication tower. The Mayor said he would see if the contractor would put up an evergreen barrier and the headmaster said he would like to be involved in the placement. Mayor Liffland said he would like to see the trees be 12 feet in height. He reported the color of the tower was also picked and it would be bluish. Trustee Murphy asked if Trinity Pawling was essentially signing off on it. Mayor Liffland said they were. Mr. Hayes said the next steps would be to finalize the lease and to analyze whether or not the cell tower would be exempt from the village cell tower law. Mr. Hayes said any exemptions would not exempt the village from SEQRA.

Mr. Hayes updated the Board on Code Enforcement issues regarding the Flood property and the property on Memorial Avenue.

MOTION by Trustee Durkin to approve the MS4 information letter to be mailed with the utility bills in September. **SECONDED** by Trustee Murphy. Trustee Murphy requested the mailer be only one page. The Clerk said it would be front and back. There was discussion on having all information fit on one page. Mayor Liffland said to keep track of the costs because the village might be able to get reimbursed through an MS4 grant. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the renewal of the existing agreement between The Employee Assistance Program and the Village of Pawling with an annual fee of \$750.00. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the August vouchers in the amount of \$91,202.64. **SECONDED** by Trustee Murphy. Mayor Liffland said the Sheriff's bill was a little high and he would be speaking with them about it. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to approve the August 26, 2008 pre-pays in the amount of \$16,196.33. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Historian's Report

Mr. Drew Nicholson stated he started a new project involving the jail house behind the library. He said he would like to gain title to the house and move it to a new location in order to keep people off the current property owner's land. Mr. Nicholson asked that someone from the Board attend the Annual Service at Admiral Worden's grave on October 18th at 11:00 since he would be unable to be there. Mr. Nicholson said Mr. Earl Slocum made available an old newspaper article covering a speech given by Lowell Thomas from June 1947.

Engineer's Report

Mr. Joe Zarecki, a village engineer, stated the reports submitted to the DOT regarding the Grandview Avenue and Reservoir Road projects were waiting on responses. He said the projects could not be put out to bid until after DOT approval or the federal funding would be jeopardized. He said the application to use the reservoir as a potable water supply was before the NYS Department of Health for approval. Mr. Zarecki gave an update on the telemetry project.

Trustees' Reports

Tracy Durkin

Trustee Durkin said she would be updating the website. She thanked the Mayor for asking her to assist the Ad Hoc Committee on the zoning changes.

Robert Murphy

Trustee Murphy stated he would give a quarterly budget report at the next meeting. He said he would be working on the Garbage budget with Trustee Osborn.

Colette Zito

MOTION by Trustee Zito to approve the quote from Trigger Construction in the amount of \$3,600.00 for the installation of the Baxter Green street light in the Village of Pawling. **SECONDED** by Trustee Durkin. Mayor Liffland said Trustee Zito would have to set up an inspection with NYSEG. There was discussion about project scheduling. There was no further discussion; all were in favor and the motion carried.

Trustee Zito said the asbestos core sampling was set for September 15, 2008. She reported she spoke with Terry of TNT about the building violations and removing some of their supplies. There was discussion about the street lights in the median of Charles Colman Boulevard and the outage issues. Trustee Zito said there were two pine trees that were struggling to survive at the Metro North parking lot and she set up a meeting with Pete Muroski to discuss planting options. Trustee Zito handed out pamphlets regarding the recovery and recycling event to the Board for review. She

asked to include the pamphlet in the next utility billing mailing. There was discussion on advertising the event.

Mayor's Comments

Mayor Liffland said he attended a meeting where the "mile a minute" vine was discussed. He said the vine would grow quickly and strangle the other vegetation. Mayor Liffland reported fuel costs were discussed at a Supervisor's and Mayor's meeting and how the idea of municipalities working together or through the county might help lower costs. He suggested to the Clerk that she contact Dutchess County about where they purchase paper from because they get a good price. Mayor Liffland said the County was looking into putting out an RFP for electric services. Mayor Liffland said he attended an MS4 meeting in Patterson and it was decided to put a letter together for the elected officials to send saying the municipalities could not afford the program. Mayor Liffland thanked the Chamber of Commerce for the community garage sale.

MOTION by Trustee Murphy to adjourn the meeting at 9:17 P.M. **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Murphy to open the regular session and go into Executive Session to discuss Personnel (Trustee Zito asked to be excused from Executive Session). **SECONDED** by Trustee Durkin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Durkin to close Executive Session, return to regular session and adjourn the meeting at 10:15 P.M. **SECONDED** by Trustee Murphy. There was no discussion; all were in favor and the motion carried.

Village Clerk