

DATE OF MEETING: April 21, 2014

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Stan Mersand
Trustee John Burweger
Trustee Brian Griffin
Trustee Daniel Peters

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance.

MOTION by Trustee Griffin to close the regular session and go into the Public Hearing on the Tentative Budget for 2014/2015. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said nothing had changed on it since the last meeting. He said there was a 1% increase.

Mayor Liffland said he received a question from Trustee Griffin about hiring a 5th full-time Highway Department Laborer. He said it was not in the budget however he did include 2 Summer Seasonal Workers which might lead to a full time position at some point.

Mr. Earl Slocum, a resident of East Main Street, congratulated the Board on a great job.

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

MOTION by Trustee Peters to approve the Tentative Budget for 2014/2015 as presented. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to close the regular session and go into Public Hearing on Local Law No. 2 of 2014 Amending Chapter 95 of the Village Code Entitled "Water". **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

There were no comments.

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

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Enacting Local Law No. 2 of 2014 Amending Chapter 95 of the Village Code Entitled "Water"

At a regular meeting of the Board of Trustees of the Village of Pawling ("Village Board"), held at the Village of Pawling Village Hall on the 21st day of April, 2014, at 7:00 p.m., Trustee

Mersand, seconded by Trustee Burweger, moved the following resolution, to enact the following proposed local law, to be known as Local Law No. 2 of 2014, entitled "A Local Law Amending Chapter 95 of the Code of the Village of Pawling, entitled "Water;" and **WHEREAS**, The municipal home rule law §10(1)(ii)(a)(9-a) provides:

(ii) every local government, as provided in this chapter, shall have power to adopt and amend local laws not inconsistent with the provisions of the constitution or not inconsistent with any general law, relating to the following subjects, whether or not they relate to the property, affairs or government of such local government, except to the extent that the legislature shall restrict the adoption of such a local law relating to other than the property, affairs or government of such local government:

- a. **A county, city, town or village [may enact local laws]:
(9-a) The fixing, levy, collection and administration of local government rentals, charges, rates or fees, penalties and rates of interest thereon, liens on local property in connection therewith and charges thereon.**

WHEREAS, a properly noticed public hearing was convened before the Board of Trustees on April 7, 2014 for public comment on the aforesaid introductory local law, and said public hearing was held open by resolution of the board of trustees to April 21, 2014, at 7PM, whereupon the hearing was re-convened, the public was heard, the hearing was closed by resolution of the board of trustees;

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Pawling as follows:

Section 1. Statement of Purpose and Intent. The Village Board of Trustees has determined that for purposes of conservation of the municipal water supply and to provide partial additional funding for improvement of the municipal water supply of the Village of Pawling, water rates for users of municipal water of the Village shall be increased for large volume users. "Large volume users" include customers who use in excess of 60,000 gallons per quarter.

Section 2. Chapter 95, section 95-29 entitled "Schedule of Rates" of the Village Code of the Village of Pawling is hereby amended by adding a new subparagraph "E" to provide:

§95-29 "E." Volume Use Water Rate. The rate for usage of municipal water exceeding 60,000 gallons of water in a quarter shall be \$3.50 per thousand gallons for each thousand gallons, or fraction thereof, used in excess of 60,000 gallons during a calendar quarter. This rate may be changed by the Board of Trustees at any time by simple resolution. *(Authorization is conferred to conform the current water rate fee schedule to this Amendment.)*

Section 3. This local law shall take effect immediately upon filing with the New York State Department of State.

Section 4. This local law is a Type II action pursuant to 6 NYCRR 617.5(c) 20 and 27. The foregoing resolution was voted upon with all members voting as follows:

Mayor Liffland	Aye
Trustee Burweger	Aye
Trustee Mersand	Aye
Trustee Griffin	Aye
Trustee Peters	Aye.

The Resolution passed.

MOTION by Trustee Peters to close regular session and go into Public Hearing on the Final Acceptance of Conveyances of Roads at Baxter Green; Baxter Rd., Tyrell Rd., Kate Lane NKA Jem Lane, Rhone Ridge Drive and Neighborhood Green Area, Tax Map ID 134001-6957-20-801160. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said the attorney fees would also be paid.

Mr. Daniel Panzer, a resident of Elm Street, asked if the conveyance of roads would increase the taxes. Mayor Liffland responded it would not.

Mr. Jim Greges, a resident of Fairway Drive, asked a question regarding the location of Kate Lane.

There were no further comments.

MOTION by Trustee Peters to close the Public Hearing. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to open the regular session. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: FINAL ACCEPTANCE OF CONVEYANCES OF ROADS AT BAXTER GREEN: BAXTER RD., TYRELL RD., KATE LANE NKA JEM LANE, RHONE RIDGE DRIVE AND NEIGHBORHOOD GREEN AREA, TAX MAP ID 134001-6957-20-801160

The meeting was called to order by Mayor Robert Liffland and the following were:

P R E S E N T:

Mayor Robert Liffland
Trustee Daniel Peters
Trustee John Burweger
Trustee Brian Griffin
Trustee Stan Mersand

The following Resolution was proposed by Trustee Peters, who moved its adoption, and seconded by Trustee Mersand.

WHEREAS, Baxter Green Associates, LLC, (“Grantor”) is the owner in fee of certain real property located in the Village of Pawling, consisting of 4.319 acres of land, designated as the “Proposed Roadways,” known as Baxter Road, Tyrell Road, Kate Lane (now known as Jem

Lane), Rhone Ridge Drive and the "Neighborhood Green Area" ("Proposed Roadways" and "Premises"), said Premises being known and designated on the Dutchess County Tax Map of the Village of Pawling as Tax Id No.: 134001-6957-20-801160, and as shown on a certain map entitled, "Final Subdivision Plat of property being Baxter Green, prepared for Baxter Green Associates, LLC", filed in the Dutchess County Clerk's Office on December 10, 1999 as Map #10936 (hereinafter the "Subdivision Plat"), and

WHEREAS, the Village of Pawling Planning Board granted the Subdivision Plat conditional final subdivision approval conditioned, among other things, upon the Grantor satisfactorily completing certain improvements to the 4.319 acre parcel of land consisting of the Proposed Roads, designated as Baxter Road, Tyrell Road, Kate Lane (now known as Jem Lane), and Rhone Ridge Drive and the Neighborhood Green Area as shown on the Subdivision Plat; and

WHEREAS, the Grantor shall deliver a valid policy of title insurance to the Village to insure the Village's title to the Premises that is to be conveyed to the Village before the recording of the Deed, and has paid to the Village such sums as required in the Stipulation of Settlement concluding the matter of *Village of Pawling against Baxter Green Associates, LLC*, Index No. 2013/2346, being held in escrow pending the final acceptance of the Roadway Improvements and Neighborhood Green Area, and the Defendants in the said suit have executed general releases in favor of the Village, including Grantor, being held in escrow pending the acceptance of the attached offer of dedication by the Village Board; and

WHEREAS, the Grantor has filed a formal irrevocable Offer of Dedication of the Premises, and the Deed, (which are annexed to this resolution as Exhibit "A"), with the Village Clerk, for the Premises, being the 4.319 acre parcel of land consisting of the Proposed Roadways designated as Baxter Road, Tyrell Road, Kate Lane (now known as Jem Lane), and Rhone Ridge Drive as designated on the Subdivision Plat, to the Village of Pawling for highway purposes as well as dedicating the Neighborhood Green Area as shown on the Subdivision Plat to the Village of Pawling as open space in compliance with the provisions of the Village of Pawling Code, the Village Law §6-610 and §6-614 and the Resolution of Conditional Final Subdivision Approval of the Village of Pawling Planning Board; and

WHEREAS, the Village Board has duly advertised and convened a public hearing required by Article 6 of the Village Law, and the hearing has been closed after the acceptance of public comment;

NOW THEREFORE, BE IT RESOLVED, that the Village Board finds the Proposed Action of acceptance of the Offer of Dedication and fee simple title to the Proposed Roadways and Neighborhood Green Area and easements will have no significant impact on the environment, and that the SEQR compliance for this action was fully resolved on August 26, 1998 when the planning board as Lead Agency adopted a negative declaration pursuant to 6 NYCRR §617(a)(2); and

BE IT FURTHER RESOLVED, the Village Board hereby accepts the Offer of Dedication and Deed of conveyance of fee title to the Proposed Roadways and Premises described in the said Offer of Dedication executed by Baxter Green Associates, LLC, dated the 26th day of March, 2014, and described further in the Bargain and Sale Deed with Covenants from Baxter Green Associates, LLC as Grantor to the Village of Pawling as Grantee, dated the 26th day of March, 2014, annexed to this Resolution as Exhibit "A", and hereby authorizes the mayor, the village clerk and the attorney to the Village to prepare and execute the necessary documents to

record the conveyance and lay out the Proposed Roadways. The attorneys for the Village will thereupon be authorized to release funds held in escrow and general releases held in escrow upon the recording of the deed;

BE IT FURTHER RESOLVED, that in accordance with the provisions of Section 6-610 and 6-614 of the Village Law of the State of New York, the Board of Trustees consents to the mayor or the mayor’s designee to make an Order laying out the aforesaid Proposed Roadways described in the said Offer of Dedication as delineated upon the aforesaid Subdivision Plat and releases;

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Robert Liffland	X		
Trustee Daniel Peters	X		
Trustee John Burweger	X		
Trustee Brian Griffin	X		
Trustee Stan Mersand	X		
TOTAL	5	0	0

The Resolution passed.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Initial SEQR Resolution for Construction and Financing of Water Treatment Plant Improvements; Designation of Lead Agency

The meeting was called to order by Mayor Robert Liffland and the following were:

P R E S E N T:

- Mayor Robert Liffland
- Trustee Daniel Peters
- Trustee John Burweger
- Trustee Brian Griffin
- Trustee Stan Mersand

The following Resolution was proposed by Trustee Peters, who moved its adoption, and seconded by Trustee Mersand.

WHEREAS, the Village of Pawling (“Village”) has determined the need to increase the capacity of its water supply to serve the needs of Village residents and commercial customers, and has caused certain applications, engineering and environmental studies to be prepared and filed to advance the purpose of improving the water supply system; and

WHEREAS, a Full Environmental Assessment Form (Part I) (“FEAF”) has been filed with the Village Board of Trustees (“Village Board”) as required by 6 NYCRR §617.6(a)(2) to initiate

the mandatory environmental review prescribed by the State Environmental Quality Review Act ("SEQR") for the proposed project. (*Annexed hereto as Exhibit "A"*);

WHEREAS, this resolution will initiate the SEQR process for the actions contemplated by the Village as set forth in detail below; and

WHEREAS, terms appearing in this resolution shall have the meanings ascribed below to them:

1. DEFINITIONS.

- a. "Water Treatment Plant" means the Water Treatment Plant which is proposed by the Village to be constructed at the Village's reservoir property located at 192 Reservoir Rd. in the Town of Pawling, to become part of the Water System; and
- b. "Water System" means the current water supply and distribution system owned by the Village, comprised of seven groundwater wells located in the Village and the Town of Pawling, and accessory water transmission mains, pumping stations, water storage tank(s) and treatment systems that currently serve domestic and industrial water to Village residents and some out of village customers; the Water System includes the two existing reservoirs located at 192 Reservoir Rd. in the Town of Pawling that will be upgraded and connected to the Water System and the Water Treatment Plant to increase water supply capacity; and
- c. "Water Supply Capacity" means the volume of water required to be produced, treated and delivered to water customers of the Village consistent with the requirements of applicable regulations.
- d. "Applicable Regulations" shall include, but not limited to Part 5 of the New York State Sanitary Code (10 NYCRR Ch. I, Subpart 5-1) administered by the New York State Department of Health ("NYSDOH"), and Water Withdrawal Permit, Reporting and Registration (6 NYCRR Part 601) administered by the New York State Department of Environmental Conservation ("NYSDEC"); and
- e. "Water Improvements" means all buildings, furnishings, fixtures, equipment, machinery, apparatus, appurtenances, and incidental improvements to be constructed as part of the Water System and Water Treatment Plant; and
- f. "Full Environmental Assessment Form, Part I" means Part I of the official Full Environmental Assessment Form at 6 NYCRR §617.20 Appendix "A", completed by Chazen Engineering, Land Surveying and Landscape Architecture Co., D.P.C. and filed with the Village Clerk, bearing the date April 17, 2014 and submitted to the Village Clerk on that same date; and

WHEREAS, on January 6, 2014, the Village caused an application for a Water Withdrawal (Taking) Permit to be filed with the NYSDEC as NYSDEC Application # 3-1340-00153/0000, which application consisted in part of completed application forms; engineering report, water conservation program; treatment methods and project justification; and

WHEREAS, the Village is required to submit the component actions of the proposed project to SEQR review; such actions include adoption of the bonding resolution under the local finance law to secure financing for the Water Project; the Water Withdrawal (Taking) Permit, NYSDOH Sanitary Code Subpart 5-1 water supply treatment permit, NYS Environmental Facilities Corporation (“EFC”) approval of Drinking Water State Revolving Fund financing (“DWSRF”), and actions required by other Applicable Regulations; and

WHEREAS, the Village Board has undertaken an initial review of the Action as required by 6 NYCRR §617.6 of the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, the Village Board has reviewed the SEQR regulation’s list of Type I actions and is of the opinion the project does not exceed any Type I thresholds as identified in 6 NYCRR Part 617.4; and

WHEREAS, the Actions involve one or more other agencies, including but not necessarily limited to the Village Board, the New York State Department of Environmental Conservation, the New York State Environmental Facilities Corporation (“NYS EFC”), the New York State Historic Preservation Office and the Dutchess County Department of Health; and

WHEREAS, the NYS EFC State Environmental Review Process requires all ‘unlisted’ SEQR actions to undergo a coordinated review under SEQR; and

WHEREAS, the Village of Pawling Board of Trustees desires to act as Lead Agency for the purpose of conducting the SEQR review;

NOW THEREFORE, IT IS

RESOLVED: that the Village Board hereby makes a preliminary classification of the Action as an “Unlisted Action” as such term is defined in 6 NYCRR sec. 617.2 (ak); and it is

RESOLVED: that the Village Board hereby declares its intention to be Lead Agency for the purpose of conducting the SEQR review of the Actions; and it is

RESOLVED, that the Village Board authorizes and directs the prompt transmission of Part 1 of the full EAF and the proposed Bond Resolution (*Exhibit “B”*) with respect to the Action to all involved agencies, together with correspondence declaring the Village Board’s intention to be lead agency for the purpose of conducting a coordinated SEQR review with respect to the Actions and notifying such involved agencies that a lead agency must be agreed upon within 30 calendar days of the date the EAF is transmitted to them; and it is

RESOLVED, that the Mayor and Deputy Mayor of the Village are each individually authorized to execute such documents and take such lawful actions as either such officer may deem convenient, necessary or advisable in order to effectuate the foregoing resolutions, which actions may include without limitation seeking consents from other involved agencies to the designation of the Village as lead agency with respect to the Action.

The question of the foregoing Resolution was duly put to a vote, the Board of Trustees voting as follows:

Aye Nay Abstain

Mayor Robert Liffland

X

Trustee Daniel Peters	X		
Trustee John Burweger	X		
Trustee Brian Griffin	X		
Trustee Stan Mersand	X		
TOTAL	5	0	0

The Resolution passed.

MOTION by Trustee Griffin to approve delivery zones on East and West Main Street near Fairway Drive and Dutcher Avenue and to approve Merchant Parking Zones on the west side of Memorial Avenue, west half of Arch Street near Oak Street and the west and east side of the median between Union Avenue and Broad Street and to approve the creation of Local Law Section 92 to include parking violations of these established parking areas. **SECONDED** by Trustee Peters. Trustee Peters said he understood that Trustee Griffin worked closely with the merchants while developing the plan. Trustee Griffin said they worked with the merchants and the Chamber of Commerce. Trustee Peters asked if all the merchants were aware of the plan. Trustee Griffin said he could not guarantee that all the merchants were aware however they were all invited to a meeting on April 16th to go over the details and a presentation was given at a Chamber of Commerce meeting. Trustee Peters said he just wanted to make sure that the merchants were aware in order to address any problems or concerns. Trustee Griffin said that the plan had been around for approximately 10 years but was never finalized and the current Parking Committee went to merchants, advertised on the village website, went to a Chamber meeting, held a public forum and would have something on Pawling Public Radio. Mayor Liffland asked about the unloading of Pietryka's near Union Street. Trustee Griffin said he was going to look into that. Trustee Griffin said revisions can always be made. Trustee Mersand said he would like something written up on the delivery zones. Trustee Griffin said the two areas would be designated from 8 a.m. - 11 a.m. from Monday thru Friday. There was no further discussion; the motion carried.

MOTION by Trustee Griffin to approve the Merchant Parking Zones on the west side of Memorial Avenue, west half of Arch Street near Oak Street and the west and east side of the median between Union Avenue and Broad Street. **SECONDED** by Trustee Peters. Trustee Mersand reiterated he would like something in writing for the Merchant Parking Zones as well. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the Merchant Parking Guidelines for 2014. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the purchase of a new computer for the Village Treasurer in the amount of \$1,152.00. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the Annual Car Show for June 8, 2014 with a rain date of June 22, 2014. **SECONDED** by Trustee Griffin. Trustee Griffin said the Triathlon is June 7 so there would be back to back events in the village. There was no further discussion; all were in favor and the motion carried.

Mr. Robert Marvin and Mr. Harry Traub were present to discuss a proposal to amend the Intermunicipal Agreement between the village and the town that allocates the use of the sewer

treatment plant 18% to town and 82% to the village. Mr. Marvin and Mr. Traub were asked to bring their proposal to the Pawling Joint Sewer Commission.

MOTION to approve the 2014 Memorial Day Ceremony for the American Legion on May 26, 2014. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve hiring two Summer Seasonal Workers for 2014 and to approve using the Summer Seasonal Workers for Bulk Pick Up Day. **SECONDED** by Trustee Burweger. Trustee Mersand asked how the workers are chosen. Trustee Peters said there were two men who have worked over the past seasons so they would be contacted first. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve the April 24, 2014 prepaids in the amount of \$3,325.26. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the Metro North bills in the amount of \$627.75. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to adjourn the meeting at 8:10 p.m. and go into Public Comment. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to open the regular session and go into Executive Session to discuss Personnel at 8:14 p.m. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to close Executive Session and return to regular session at 8:23 p.m. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Settlement of Accrued Leave Dispute with J. Greges

At a regular meeting of the Board of Trustees of the Village of Pawling ("Village Board"), held at the Village of Pawling Village Hall on the 21st day of April 2014, at 7:00 p.m., Trustee Mersand, seconded by Trustee Burweger, moved the following resolution:

WHEREAS, James Greges ("JG") is an employee of the Village of Pawling ("Village") assigned to the Highway Department, and

WHEREAS, the rules of employment set forth in the current Village Employee Handbook limits the number of vacation hours that can be accumulated or carried over from year to year, and

WHEREAS, JG signed for a copy of the handbook and acknowledged the limitation of the number of accumulated vacation hours, and

WHEREAS, due to a managerial or supervisory oversight JG accumulated hours in excess of what he was entitled to for vacation, and

WHEREAS, the Village Board has been advised that a lump sum transfer from vacation hours to sick time is allowable at the discretion of, and approval of the Village Board of Trustees, and

WHEREAS, under section 41 (j) of the New York State Retirement and Social Security Law (hereafter known as RSSL), the total accumulation of sick days (based upon 8 hours per day) cannot exceed 165, and

WHEREAS, JG requested to take the entire month of April off to use some of the hours, and

WHEREAS, the Village Board agreed to that request, and

WHEREAS, JG has agreed to use his 2014 vacation hours by December 31, 2014, and

NOW, THEREFORE,

BE IT RESOLVED, that the hours left in JG's account after May 1, 2014 will have the 2014 allowable vacation hours deducted for JG's use before December 31, 2014, and

BE IT FURTHER RESOLVED that the then remaining hours will be transferred to JG's sick time on or about December 31, 2014, and

BE IT FURTHER RESOLVED that this action does **NOT** create a precedent or past practice on the part of the Village Board, as this represents a negotiated settlement of a bona fide dispute wherein the Village Board and JG will release each other from further claims and liabilities; and

BE IT FURTHER RESOLVED that this agreement does **NOT** apply to any other present or future employees.

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

Mayor Liffland	Aye
Trustee Mersand	Aye
Trustee Burweger	Aye
Trustee Peters	Aye
Trustee Griffin	Aye.

The Resolution passed.

MOTION by Trustee Mersand to authorize the Mayor signing the General Release Related to Settlement of Accrued Vacation Time Dispute form and to ask the employee to sign. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to adjourn the meeting at 8:25 p.m. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

Village Clerk