

DATE OF MEETING: July 20, 2015

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Stan Mersand
Trustee John Burweger
Trustee Dan Peters
Vacancy

The meeting was called to order at 7:00 P.M. with the Pledge of Allegiance and a moment of silence for the military men who lost their lives.

Mayor Liffland presented John McIvor with a Certificate of Appreciation for the design and construction of a display case in the meeting room of the Village Hall.

Trustee Burweger went over the proposed Property Maintenance Code. He asked the Board and attorney to review the proposed code before the next meeting.

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

WHEREAS, the Village of Pawling (“Village”) wishes to provide for a means to permit Brennan Construction Co., of Brewster, New York, as contractor for Castagna Realty and Jucca Company (“Contractor”), to install a sewer force main and associated utility improvements (“Sewer Main”) underground on lands owned by the Village and used as a public street, and to connect the Sewer Main to the sanitary sewage collection system owned and operated by the Village of Pawling and the Pawling Joint Sewer Commission (“Sewer System”) at the sewer manhole along East Main Street in the Village (“Area of Disturbance”) as shown on the “Sketch Plan-SMH-117 Castagna Force Main” dated 7-17-2015 annexed hereto as Exhibit “A”; and

WHEREAS, (“Zarecki”) has recommended that the Contractor provide a surety bond to the Village in the sum of \$25,284.00 to guaranty the satisfactory completion of the work and restoration of the public lands and rights of way; and

WHEREAS, the Village Board of Trustees (“Board”) wishes to authorize Zarecki to issue a permit for the Contractor to commence the installation of the Sewer Main in the Area of Disturbance based on the construction plans and bond(s) required by Zarecki to be submitted for the purpose of the issuance of the said permit to install the Sewer Main in the Area of Disturbance; and

WHEREAS, the Board of Trustees of the Village (“Board”) previously adopted a declaration of non-significance pursuant to the State Environmental Quality Review Act regulations (6 NYCRR §617) for the approval of the Sewage Capacity Reservation and Sewer System Connection Agreement by resolution at a meeting on November 18, 2013, which action included approval of the connection of the Sewer Main to the Sewer System;

NOW, THEREFORE, BE IT RESOLVED that the Board has previously approved in concept the construction of the Sewer Main in the Village in the Sewage Capacity Reservation

and Sewer System Connection Agreement executed by the mayor of the Village on December 10, 2013; and

BE IT FURTHER RESOLVED that Zarecki is authorized and required to examine all plans and construction drawings relating to the installation of the Sewer Main in the Area of Disturbance by Contractor, and to evaluate the adequacy of such plans and construction drawings, and to exercise Zarecki's best professional judgment that the installation work for the Sewer Main in the Area of Disturbance and its connection to the Sewer System at the manhole on East Main Street is properly designed and will not result in damage to the Sewer System, and if satisfied, Zarecki is delegated the authority to execute and issue the permit to Contractor in the name of the Village for the public right of way to be opened and the installation of the Sewer Main in the Area of Disturbance, conditioned further to provision by the Contractor of a performance bond in the amount of \$25,284.00, the form of which must be signed off by the attorney for the Village before the permit issues.

Mayor Liffland asked about how traffic control would be handled during the construction period. Mr. Brian Morgan, a village attorney, said there was a notation on the plan that says "Road to Remain Open Throughout Construction – Provide Flaggers as Required." Mr. Morgan also said the contractor would be in touch with the village engineer who was given authority from the Village Board to guarantee they were complying with the village's requirements.

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

Mayor Robert Liffland	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Stan Mersand	Aye
<i>vacant</i>	

The Resolution was adopted.

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

Identifier: Introducing a Proposed Local Law Amending Chapter 74 of the Village Code Entitled "Sewers" to Enact Regulation of Infiltration and Inflow into the Public Sewer System

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 20th day of July, 2015, at 7:00 p.m., Trustee Peters, seconded by Trustee Mersand, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. ___ of 2015, entitled "A Local Law Amending Chapter 74 of the Code of the Village of Pawling, entitled "Sewers;"

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

SECTION 1. Chapter 74 of the Code of the Village of Pawling, entitled "Sewers" is amended by adding a new article ___, entitled "Inflow and Infiltration ("I&I") Regulation, providing as follows:"

Section 1. Statement of Purpose. The discharge of water from roofs, downspouts, ground surface water, groundwater sources, sump pumps, footing drains, swimming pools and other sources into the public Sanitary Sewer System, floods and overloads the Sanitary Sewer System causing significant wear to the Wastewater Treatment Plant and Sanitary Sewer Trunk Lines. Such wear is caused by the increased amount of processing necessary to treat the increased volume of water, backup of sewage into the Wastewater Treatment Plant, private properties and pressure damage to the trunk lines. The Pawling Joint Sewer Commission, the Town of Pawling (“Town Board”) and the Village of Pawling Board of Trustees (“Village Board”), therefore, find it essential to the avoidance of damage to the Sanitary Sewer System and WWTP and private property, and to meet the New York State Department of Environmental Conservation (NYSDEC) requirements and the requirements of the New York State Pollution Discharge Elimination System (“SPDES”) Permit # 0165891 held by the Pawling Joint Sewer Commission as Permittee, that the provisions of this proposed local law are enacted.

Section 2. Definitions.

The following terms shall have the meanings ascribed to them in this Section 2, or as otherwise defined in this chapter.

“Certificate of Occupancy” means the certificate issued by the building inspector or code enforcement official of the Town or the Village permitting use and occupancy of real property and buildings pursuant to state and local building and fire regulations.

“I&I” means inflow and infiltration. Groundwater entering sanitary sewers through defective pipe joints and broken pipes is infiltration; water entering sanitary sewers from inappropriate connections is inflow.

“PJSC” and “Commission” mean the Pawling Joint Sewer Commission, the administrative entity empowered by law and inter-municipal agreement to operate and administer the Wastewater Treatment Plant and the Sanitary Sewer System on behalf of the Village and the Town.

“Permanently Installed Discharge Line” shall have the meaning ascribed to it in Section 3 of this chapter.

“Property Owner” means persons having a recorded legal interest in real property that is connected to or is discharging water into the Sanitary Sewer System.

“Sanitary Sewer System” means the sewage collection and treatment system of the Town and the Village, including the Wastewater Treatment Plant, the pumping stations and the sewer pipes owned and operated by the PJSC, the Village or the Town.

“Sump Pump Discharge System” means any system of submersible pumps and hoses or pipes where accumulated water is deposited into the Sanitary Sewer System.

“Town” means the Town of Pawling and includes its governing board.

“Village” means the Village of Pawling and includes its mayor and governing board.

“Wastewater Treatment Plant” or “WWTP” both mean the sewage treatment facility owned by the Village and operated by the PJSC on behalf of the Village and Town, located at 37 Corbin Road in the Village of Pawling.

Section 3. Prohibition against discharges into Sanitary Sewer System.

Water from any roof, downspout, ground surface water, groundwater, sump pumps, footing tiles, swimming pool or other natural precipitation shall not be discharged into the Sanitary Sewer System, except water from water conditioning/softening systems, water heaters, and furnaces/boilers shall be allowed to enter the sanitary sewer system if connected directly from such appliance, but may not discharge into any pit or area drained with a sump pump. Dwellings and other buildings and structures that require a Sump Pump Discharge System because of infiltration of water into basements, crawl spaces and the like, shall have a Permanently Installed Discharge Line which shall not at any time discharge water into the Sanitary Sewer System, except as provided herein. A “Permanently Installed Discharge Line” shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to the Village’s storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.

Section 4. Exceptions.

In certain locations where surface storm water discharge would create a safety hazard during freezing weather, connection to the Sanitary Sewer System may be maintained from November 1st to March 31st. In no case shall any connection to the Sanitary Sewer System be maintained between March 31st to November 1st. Exceptions may be granted on a case-by-case basis as determined by the Commission.

Section 5. Disconnection.

Before any person, firm or corporation having a roof surface, downspouts, groundwater, sump pump, footing tile or swimming pool connected or discharging into the Sanitary Sewer System shall disconnect and/or remove the same. Any disconnects or openings in the Sanitary Sewer System shall be closed in an effective, workmanlike manner, as approved by the Commission.

Section 6. Inspection.

- a. Every person owning improved real estate that discharges into the Sanitary Sewer System shall allow a Village employee(s) and the Commission’s designee to inspect the building(s) to confirm that there is no sump pump or other source of prohibited discharge or connection into the Sanitary Sewer System. Any person refusing to allow their property to be inspected after reasonable notice by the Commission shall be subject to the surcharge hereinafter provided for. Upon the refusal of any person to permit such inspection, the Commission may apply to the proper court for an administrative inspection order. Any property found to violate this subdivision shall make the necessary changes to comply with this subdivision and the Village’s employee(s) or the Commission’s designee shall verify such changes.
- b. In lieu of having inspections by a Village’s employee(s) or the Commission’s designee, the Property Owner may furnish a certificate from a licensed plumber in a form acceptable to the Commission and the Village of Pawling and its Engineer certifying that the property has no prohibited connection or discharge into the Sanitary Sewer System.

Section 7. Future Inspections.

Every Property Owner who owns improved real estate, which is connected to the Village's Sanitary Sewer System shall, within thirty (30) days after written notice of inspection from the Commission:

- a. Allow the designated employee(s) of the Village or the Commission's designee to inspect both the inside and the outside of the building(s) located on the property to confirm that there is no prohibited discharge into the Sanitary Sewer System, or
- b. the Property Owner may furnish a certificate from a licensed plumber, in an acceptable form to the Commission, the Village of Pawling and their Engineer, certifying that the property has no prohibited connection or discharge into the Sanitary Sewer System. Failure of the Property Owner to provide such certificate of compliance within thirty (30) days of the posting of the notice of inspection by the Commission to the Property Owner or occupant shall make the property subject to the surcharge provided in for Section 11 of this chapter until the property is inspected and/or compliance is certified as provided herein.
- c. the Village of Pawling shall have the right to future inspections no less than every five (5) years, and after giving thirty (30) days notice to the property owner by regular mail.

Section 8. New Home Inspections.

All new homes will be required to have their Sump Pump System inspected and in compliance with this chapter prior to issuance of a Certificate of Occupancy.

Section 9. Waivers.

The Pawling Joint Sewer Commission and the Village of Pawling shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this chapter where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem for the Property Owner or other real property. This includes cases that would not be practical or feasible to correct the clear water discharge problem.

Section 10. Waiver process.

Application for waivers pursuant to this chapter shall be addressed in writing to the Pawling Joint Sewer Commission and the Village of Pawling. The application shall at minimum identify the property for which the waiver is being applied for, the name of the Property Owner/Applicant and describe in detail what characteristics of the subject property result in an undue hardship to comply with this chapter. Within a reasonable time, the Pawling Joint Sewer Commission and the Village of Pawling shall make its decision on the matter and send a copy of such decision to the Property Owner/Applicant by regular mail. Upon approval of an application for a waiver, a Property Owner/Applicant shall be allowed to discharge directly into the Sanitary Sewer System for the time specified in the Pawling Joint Sewer Commission and the Village of Pawling's written decision. The Property Owner/Applicant will be required to pay an additional fee for the additional sewer service, along with the regular quarterly charge. Fees for this service will be based on estimated yearly average amounts charged to the sanitary sewer.

Section 11. Surcharge and Penalties.

- a. A surcharge of One Hundred Dollars (\$100.00) per month is added to each sanitary sewer bill mailed to Property Owners who have not obtained a property inspection by that date, and a surcharge of \$___ to Property Owners who are not in compliance with this article when the bill is mailed. The surcharge will be added to each quarterly bill for as long as non-compliance with this article continues. All properties found during future inspections to be in violation of this law shall be subject to the One Hundred Dollars (\$100.00) per month charge for each month after a notice of violation has been issued

until the Property Owner submits proof to the Commission and the Village of Pawling that the property is brought into full compliance. A Property Owner or other person who is not in compliance with this law may be served with a notice of violation and order to remedy such violation by regular mail to the address of record of the Property Owner as shown on the property tax roll. . If such violation has not been corrected in the requisite time, the Property Owner and other person(s) violating this law shall be guilty of an offense. The Pawling Joint Sewer Commission and the Village of Pawling may each bring a civil action to compel the Property Owner to comply with the requirements of this law and for judgment against the Property Owner and other violator(s) for the costs incurred by the Commission and the Village and Town enforcing this law, including reasonable attorney fees, court costs, engineering fees and related expenses incurred by the Commission for the purpose of protecting the Sanitary Sewer System from the reasonably foreseeable impacts of such violations of this law.

- b. The Commission and the Village of Pawling Board of Trustees may, by resolution, provide for a waiver of the surcharge. Such a waiver of the surcharge may be approved if the Property Owner has executed a Consent to Inspection in the form as approved by the Commission, except a waiver may not be approved after the Commission or the Village has applied to any court for an administrative inspection order or to compel compliance with this chapter unless the Property Owner shall reimburse the Commission for the costs incurred in making application to the court, including reasonable attorney fees and disbursements.
- c. The Commission is authorized to adopt special sanitary sewer usage rates to be charged to Property Owners who have not complied with a notice of inspection or an order to remedy a violation of this law. Such special sanitary sewer usage rates shall be calculated to reimburse the Commission for lost sewer usage revenue due to the reduced available sewage treatment capacity of the Sanitary Sewer System resulting from I&I conditions that have not been corrected by the Property Owner as required by this law. The Commission shall adopt a rule to define how such calculation of lost revenue and diminished sewage treatment capacity shall be made, and for the administrative process the Commission shall establish to impose such special sanitary sewer usage rate and suspend such rate on Property Owners upon their compliance with such orders to remedy violation(s) as have been issued to them.

Section 12. Responsibility for Inspections of Existing Lines.

- a. Persons owning or occupying land upon which sanitary sewer service lines are located, which are connected to and flow into public sewer lines that are part of the Sanitary Sewer System, shall be responsible for the inspection, maintenance, repair and operational integrity of such private sanitary sewer service lines, except where the Commission, the Village or the Town has a legal interest in such sewer service line wherein the legal duty to maintain such sewer line is imposed on the Commission, the Village or the Town. The Commission will send a notice of inspection to owners having a private sanitary sewer line that is connected to the Sanitary Sewer System on their property. Owner must make inspection in the manner required by the Commission within the time prescribed by the Commission, at the Owner's sole expense. Inspections may have multiple stages, which shall be undertaken by the Owner in accord with the instructions of the Commission.
- b. If inspections show such pipe is damaged and should be repaired or replaced to reduce I&I, the Property Owner shall undertake such repair or replacement in a manner approved by the Commission. A permit is required from the Commission for excavating, repairing and replacement of any pipe that is connected to the Sanitary Sewer System, in addition to other permits required by the Town and the Village.

- c. The Commission is responsible for inspection and repair of pipes on private property only when a sewer easement has been granted to the Commission, the Village or the Town wherein the duty to inspect and repair the pipe subject to such easement is provided.
- d. The Commission may impose a surcharge to pay the estimated cost incurred by the Commission of treating I&I that has been allowed to enter the Sanitary Sewer System through broken or deteriorated pipes. Such surcharge will be a lien on the property where the private pipe is located.

Section 2. This local law shall take effect immediately upon filing with the New York State Department of State.

Mayor Liffland advised the Village Board that, pursuant to the Municipal Home Rule Law of the State of New York, it is necessary to hold a public hearing upon this proposed local law.

Trustee Peters offered the following resolution, which was seconded by Trustee Mersand, to move its adoption:

WHEREAS, Trustee Peters has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. ___ of 2015, entitled “A Local Law Amending Chapter 74 of the Code of the Village of Pawling, entitled “Sewers””;

RESOLVED, that a public hearing be held in relation to the proposed local law as set forth in the form of notice, hereinafter provided, at which hearing parties in interest shall have an opportunity to be heard, to be held at the Village Hall on August 3, 2015, at 7 o'clock p.m., Prevailing Time, and that notice of said hearing 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 August 3, 2015, at 7 o'clock p.m., Prevailing Time on Proposed Local Law No. ___ of 2015, entitled “A Local Law Amending Chapter 74 of the Code of the Village of Pawling, entitled “Sewer””, which local law provides for the regulation and limitation of discharges of storm water runoff, groundwater other non-wastewater discharges into the Sanitary Sewer System owned and operated by the Village of Pawling and the Pawling Joint Sewer Commission, and requires property owners to maintain and repair privately owned sewer pipes that by reason of damaged condition collect storm water runoff and groundwater that is discharged into the Sanitary Sewer System; and.

TAKE FURTHER NOTICE, 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 on all business days between the date of this notice and the date of the public hearing.

TAKE FURTHER NOTICE, that all persons interested shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Pawling, New York

July 20, 2015
Jennifer Osborn, Village Clerk

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

Mayor Liffland	Aye
Trustee Burweiger	Aye
Trustee Peters	Aye
Trustee Mersand	Aye
<i>Vacant.</i>	

The Resolution was adopted.

There was discussion on having the windows in the Village Hall washed. Trustees Mersand and Burweiger said they would take care of the issue.

MOTION by Trustee Peters to allow the Village of Pawling Justice Court to apply for the Justice Court Assistance Program Grant application. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the minutes from June 15, 2015 and July 6, 2015. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the Metro North Treasurer's Report for June 2015. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve payment of the Metro North bills in the amount of \$667.28. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to close the meeting at 7:35 P.M. and go into Public Comment. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to close Public Comment, open regular session and go into Executive Session to discussion litigation and personnel at 8:06 P.M. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to close Executive Session and go into regular session at 8:41 P.M. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to authorize the attorney to draft and send a letter to the insurance company indicating that the Board understands the appearance of conflict with the insurance attorney representing them and the Board waives that position. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried

MOTION by Trustee Mersand to offer a salary increase to James Greges, Working Foreman, in the amount of \$1,500.00 for the year. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to adjourn the meeting at 8:42 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Village Clerk