

DATE OF MEETING: December 15, 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 Peters to close the regular session and go into the Public Hearing on proposed Local Law No. 8 of 2014 amending Chapter 98-22D of the Village Code entitled "Zoning" to make the section inapplicable to properties located in the B-1 zoning district.

SECONDED by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Liffland explained that Mr. Michael Cerny, a member of the Planning Board, had found a contradiction between Local Law No. 6 of 2014 and the village code. Mr. Cerny said he had some concerns with 98-22D which were:

- there should be no parking requirements in the B1 District because parking in the B1 was an overall village issue that the Village Board should address
- 98-22D was not reasonable because it put it back to the Planning Board to request parking from the individual applicant and it was not there
- the Village Board needs to look into the parking needs of the village
- he did not know how the Planning Board was going to address 98-22B because under the previous law the Planning Board at least had guidelines and now there were no guidelines, just what is reasonable, and he did not know if it was reasonable to require any parking
- he said 98-22D has to come out because 98-22B lifted the parking requirement but 98-22D still requires that any required parking is within 100 feet and has to be deed restricted
- he said they could be incrementally building up parking demand and at the end the last project might not be viable
- there were concerns with the fees in Local Law No. 6
- he supports the elimination of 98-22D
- there should be a review of the parking within the Master Plan.

Mayor Liffland said he agreed with Mr. Cerny and said he made some good points. He said the Board discussed parking and he felt that at some point there would need to be a parking garage. There was general discussion on parking within the village.

MOTION by Trustee Peters to close the Public Hearing on proposed Local Law No. 8 of 2014 amending Chapter 98-22D of the Village Code entitled "Zoning" to make the section inapplicable to properties located in the B-1 zoning district at 7:32 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: Enacting Local Law No. 8 Amending Chapter 98-22D of the Village Code Entitled "Zoning" to make the section inapplicable to properties located in the B-1 zoning district.

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 15th day of December, 2014, at 7:00 p.m., Mayor Liffland, seconded by Trustee Peters, moved the following resolution, to enact the following proposed local law, to be known as Local Law No. 8 of 2014, entitled "A Local Law Amending Chapter 98 Section 98-22D of the Code of the Village of Pawling, entitled "Zoning;"

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 §98-22D entitled "Location of required [parking] facilities" should be amended to not apply to parcels located in the B-1 zoning district. The section may remain to apply to properties not located in the B-1 zoning district. The amendment is prompted by the need to apply this section consistently with the recent enactment of LL No. 6 of 2014, repealing the off-street parking ratios limited to the B-1 zoning district (§98-22B). The building department requested this amendment.

Section 2. Chapter 98, §98-22D entitled "Location of required facilities" of the Village Code of the Village of Pawling is hereby amended to provide:

§98-22D Location of required facilities. **Except for parcels located within the boundaries of the B-1 zoning district, required accessory parking spaces, open or enclosed, may be provided upon the same lot as the use to which they are accessory, or elsewhere, provided that all spaces are located within 100 (100) feet walking distance of such lot. In all cases, such parking spaces shall conform to all the regulations of the district in which they are located, and in no event shall such parking spaces be located in any residence district unless the uses to which they are accessory are permitted in such districts. Such spaces shall be in the same ownership as the use to which they are accessory and shall be subject to deed restriction, filed with the County Clerk, binding the owner and his heirs and assigns to maintain the required number of spaces available, either throughout the existence of such use or until such spaces are provided elsewhere. Said deed restrictions shall be enforceable by the village or neighboring owners affected thereby.**

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 Peters	Aye
Trustee Mersand	Aye
Trustee Griffin	Aye.

The Resolution passed.

Elizabeth Shedd, Village Treasurer, gave a half year budget report.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Installing “Do Not Enter” Signs at Entry to South Street Extension from Route 55

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

WHEREAS, the Village of Pawling Board of Trustees (“Board”) wishes to reduce the number of vehicles entering South Street Extension from Route 55 and to slow traffic on South Street Extension; and

WHEREAS, NYS Department of Transportation (“DOT”) has advised that it is necessary to authorize such placement of signs by resolution of the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Pawling requests that two signs be posted by DOT at the entry onto South Street Extension from Route 55 in a location permitted by DOT, and such signs shall read “DO NOT ENTER,” and that such signs shall comply with the DOT Manual on Uniform Traffic Control Devices.

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 Brian Griffin	Aye
Trustee Stan Mersand	Aye.

The Resolution passed.

MOTION by Trustee Peters to approve the DMV Extension to Lease Agreement effective January 1, 2015 through December 31, 2015. **SECONDED** by Trustee Mersand. Trustee Mersand asked if there was a change in fee. Mayor Liffland said there was not it was the same as last year. Trustee Griffin asked if it was a one year term. The Mayor responded it was. There was no further discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the 2015 Holiday Schedule. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the 2015 Meeting Schedule. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve Severn Trent finishing the work in the Sheriff's Substation. **SECONDED** by Trustee Peters. Trustee Griffin asked if there was a cost estimate associated with the work. Mr. Michael Batz, a representative of Severn Trent, said it would be approximately \$500. Mayor Liffland said that the contractor who did not finish the job would be submitting a bill for payment and what did the Board think they should do. Trustee Burweger said to deduct the \$500 from whatever he thought he was entitled to. The Board was in agreement. There was no further discussion; all were in favor and the motion carried.

The Board discussed the proposals received for well rehabilitations for the Baxter Green # 1 and # 3 Wells and the Corbin 86 Well. The prices received were:

	The Stephen B. Church Co.	Subsurface Technologies, Inc	Layne Christensen Co.
Baxter #1	\$14,640	\$25,742	\$25,680
Baxter #3	\$15,090	\$23,430	\$25,680
Corbin 86	\$15,320	\$16,687	\$18,590
Total	\$45,050	\$65,859	\$69,950

MOTION by Trustee Mersand to use Subsurface Technologies Inc. for Baxter Green Wells #1 and #3 in the amount of \$49,172 and to use The Stephen B. Church Company for Corbin 86 in the amount of \$15,320 and to start with Baxter Green Well # 1. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Sense of the Board of Trustees That South Street Extension Is A Village Street By User

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

WHEREAS, the Village of Pawling Board of Trustees (“Village Board”) wishes by this resolution to express its sense that South Street Extension is a village street by prescription as provided by Village Law §6-626;

NOW, THEREFORE, BE IT RESOLVED that the Village Board declares that South Street Extension, extending from NYS Route 55 to Dutcher Avenue in the Village of Pawling (“Village”) shall be considered a village street as defined in Village Law §6-600, by “prescription” as defined in Village Law §6-626 by reason of the maintenance of the street by the Village street department, clearing of the public right of way by the Village street department, uninterrupted use of the street by the public, and the erection of signage identifying the street, including the future erection of additional traffic control signage by NYS Department of Transportation as requested by the Village Board, all continuously for a period of time exceeding ten years; and

BE IT FURTHER RESOLVED that this resolution does not provide for laying out, altering, narrowing, discontinuing or acceptance of the dedication of a street as provided in §6-612 of the Village Law; and

BE IT FURTHER RESOLVED that the Village Clerk is authorized to record South Street Extension as a village street as provided by §6-626 of the Village Law.

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 Brian Griffin	Aye
Trustee Stan Mersand	Aye.

The Resolution passed.

There was a discussion about the east side of Route 22 zoning. Trustee Peters said the zoning was R1 however all the buildings were commercial. He said he spoke with Michael Keupp, Chairman of the ZBA, about it and the ZBA was in favor of rezoning it. There was discussion on the topic. The Board agreed it was something that should be looked at during the update of the Master plan.

Trustee Griffin went over the Walk Bike Dutchess - The Pedestrian & Bicycle Plan from BPAC. He pointed out that the Village and Town of Pawling were mentioned positively numerous times.

Trustee Griffin said the Board had received a red-line version of the updated Procurement Policy and that the Board needed to decide what they want in the document and enact it. There was discussion on subcontractors. Trustee Peters asked the Board to take a look at the Tree Trimming RFP for the next meeting because it was using the Procurement Policy. Mr. Morgan said he was waiting on input from Joe Zarecki, a village engineer, as well.

There was discussion on a church procession within the village. The Board said the applicant would need to fill out a Village Green and Public Use Assembly application.

MOTION by Trustee Mersand to adjourn the meeting and go into Public Comment at 8:55 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to close Public Comment at 9:12 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to open the regular session and go into Executive Session to discuss Personnel & Litigation. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to close Executive Session and return to regular session at 9:46 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to allow the Mayor to negotiate with the Court Clerk in an amount up to \$800 gross pay for unused vacation time. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to close the meeting at 9:47 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk