

DATE OF MEETING: February 16, 2016
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Mayor Robert Liffland
Trustee Stan Mersand
Trustee John Burweger
Trustee Dan Peters
Trustee Earl Slocum

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

Mr. Lou Musella, a member of the American Legion, gave the Village Board a check for \$500.00 from the American Legion to start the ball rolling on podcasting the Village Board meetings.

Identifier: Introducing Local Law Amending SEWER USE LOCAL LAW: VILLAGE OF PAWLING SEWER DISTRICT NO.1 to provide for sewer rate structure between the Village of Pawling and the Pawling Joint Sewer Commission.

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 16th day of February, 2016, at 7:00 p.m., Trustee Peters moved and Trustee Mersand seconded the following resolution, to introduce the following proposed local law, to be known as Introductory Local Law No. 1 of 2016, entitled "***Local Law Amending SEWER USE LOCAL LAW: VILLAGE OF PAWLING SEWER DISTRICT NO. 1 to provide for sewer rate structure between the Village of Pawling and the Pawling Joint Sewer Commission and adopting rate schedule,***"

BE IT RESOLVED, this introductory local law is presented to the Village of Pawling Board of Trustees to set a date for a public hearing regarding the following proposed legislation:

INTRODUCTORY LOCAL LAW # 1 OF 2016

BE IT ENACTED by the Board of Trustees of the Village of Pawling, Local Law # 1 of 2016 of the Village of Pawling, entitled "Amendment of SEWER USE LOCAL LAW: VILLAGE OF PAWLING SEWER DISTRICT NO. 1" ("Current Law"), to provide as follows:

Section 1. Purpose. The purpose of this local law is to update Article II of the Current Law relating to sewer rates and charges, to facilitate adoption of new sewer rental rate structure by the said Board of Trustees and to clarify the delegation of authority by the said Board of Trustees to the Pawling Joint Sewer Commission ("Commission") for setting sewer rental rates and administration of the billing system. It is the intention of the said Board of Trustees that these amendments will be enacted by the Town of Pawling Town Board in substantially the same form and substance, to provide clear authorization to the Commission to manage the billing processes of the Sewer System managed by the Commission, and to adopt new rate schedule.

Section 2. The following sections of Article II of the SEWER USE LOCAL LAW: VILLAGE OF PAWLING SEWER DISTRICT NO. 1, entitled "User Charges", are hereby amended as follows¹:

Part III(B) Determination of Charge - The Pawling Village Board of Trustees and the Pawling Town Board have decided to combine all annual costs of Operations and Maintenance and ongoing debt service and capital improvements for the Sewer System rehabilitation, equipment replacement necessary system expansion, and have authorized the Pawling Joint Sewer Commission to allocate such costs among the properties benefited in the Village and the Town using the following model:

$$CU = VC \times VU + CRU$$

where:

CU = A user's charge for Operation and Maintenance per unit of time (calendar quarter).

VC = Operations and Maintenance cost for transportation and treatment of one unit of sewage volume.

VU = Volume contribution of sewage from user per unit of time (calendar quarter).

CRU = Capital Recovery per EDU per calendar quarter based on total EDUs designated for each customer Property.

Structure of Rates and Charges:

Rates and charges for each customer shall be set each year by the Village of Pawling Board of Trustees, the Town of Pawling Town Board and the Pawling Joint Sewer Commission, and shall be calculated for each individual customer based on sewage treatment service received, in the following manner:

1. The "Sewer Use Local Law: Village of Pawling Sewer District No. 1" as amended is not codified at the time this local law is enacted; only sections of such local law specified in this local law are affected by the amendments contained herein. The amended law should be restated.

Quarterly Sewer Rates:

Consumption

First 5,000 gallons (minimum)	\$85.00
5,001 gallons or greater (per thousand)	\$10.50
Capital Assessment (per EDU)	\$51.00

EDU = Equivalent Dwelling Unit = amount of water used by a typical residential user on the system – equals 13,000 gallons per quarter. All residential units (including each apartment unit is assessed 1 EDU). All commercial, institutional and industrial users are assigned an EDU number based upon average water consumption in relation to a typical residential user. EDUs assigned to non-residential customer parcels may be re-calculated from time to time based on measured average historical quarterly water usage over a two year period divided by 13,000 gallons usage per quarter, if the owner or tenant of such property requests such re-calculation by the Pawling Joint Sewer Commission. When two years of historical quarterly usage data is not available to permit re-calculation of EDUs assigned to a non-residential customer, the Usage Charts compiled by New York State Department of Environmental Conservation ("Design Standards for Intermediate Sized Wastewater Treatment Systems", March 5, 2014, or more recent version, pages B-17 through B-19), may be employed to provide a basis for such determination.

Part III(C) Calculation of Flow

- (1) The owner of any parcel of real property within the Village of Pawling Sewer District No. 1, may, if he or she desires, purchase an approved measuring device at his or her cost and expense and install same in a manner approved by the Commission and in accord with specifications adopted by the Commission or by the Village Board, which measures directly the usage of the sewage system. Thereafter, the sewer rent shall be based on the metered usage of the sewerage system. If no such device is installed, then sewage flow will be calculated based on metered water usage. The Commission may adopt specifications for the use of water meters upon which the measurement of use of the sewage system is recorded for billing purposes, and may adopt rules, orders and regulations for the maintenance, repair and replacement of such devices, and provide for the enforcement thereof.
- (2) The Commission may require the owner of any parcel of real property that is connected to and makes use of the sewerage system to install a water meter that complies with any applicable specifications adopted by the Commission, and to provide for maintenance, repair, replacement and inspection of such devices. Such specifications and other requirements for use of water meters to measure usage of the sewage system may extend to real property located in the Town of Pawling if the Town Board enacts a comparable amendment to its Chapter 161 "Sewers" local law.
- (3) This Part III(C) shall apply to all parcel(s) of real property which are connected to the sewage system of the Commission and receiving sewage service pursuant to agreement with the Commission, if located outside the boundaries of Sewer District No. 1 of the Village of Pawling, upon written notice to the owners of record.

Part III(F) Method of Payment. Annual operations and maintenance and capital debt service charges shall be billed quarterly and will be due thirty (30) days from the date of billing. There shall be imposed a one-time penalty of fifteen percent (15%) for any quarterly payment which is not paid within thirty (30) days after the due date specified on the quarterly bill. The Commission will mail quarterly bills to customers after the close of each billing cycle. The billing cycles are set forth below:

1 ST Billing period	March 1 – May 31
2 nd Billing period	June 1 – August 31
3 rd Billing period	September 1 – November 30
4 th Billing period	December 1 – February 28

Part III(G) Operations and Maintenance and Debt Service Charges to Constitute Lien. Operations and maintenance charges and debt service charges shall constitute a lien upon the real property served by the sewage works of the Village of Pawling Sewer District No. 1 to the extent set forth in Section 452 of the General Municipal Law. In November of each year, all accounts within the Town of Pawling in arrears will be referred to the property tax collector for inclusion on the following year's January tax bill to the extent set forth in Section 452 of the General Municipal Law. In May of each year, all accounts within the Village of Pawling in arrears will be referred to the property tax collector for inclusion in the following year's tax bill to the extent set forth in Section 452 of the General Municipal Law.

Part IV(D) Approval of Expenditures All expenditures of the Village of Pawling Sewer District No. 1 shall require auditing and approval by the Commission before any disbursement of funds is undertaken. The Village Board has specifically authorized the

Pawling Joint Sewer Commission to bill combined debt reduction and operations and maintenance charges and to pay bills upon presentation of vouchers. The Pawling Joint Sewer Commission shall regularly meet on the second Thursday of each month to approve vouchers and disbursements. These dates may be subject to change at the discretion of the Commission.

Part V(C) Adoption of Rate Schedule. After notification and publication as set forth in subpart (B) of this section, the Village Board of the Village of Pawling may cause to have adopted by majority vote the proposed rate schedules. Such resolution of approval shall be delivered to the Commission office by the village clerk. The Commission is hereby delegated authority by the Village of Pawling Board of Trustees to publish the proposed rate schedule in the official newspaper of the Village of Pawling, publish the notice of public hearing and to conduct the public hearing and make a finding and recommendation to the Board of Trustees after the hearing is closed.

Part VI. The minimum charge for sewage service during a calendar quarter shall apply to any such customer Property which uses less than 5,000 gallons of water in such calendar quarter as measured by a properly functioning water meter or sewer meter.

Part VII(B) Local Agreements The requirements of this article II supersede any and all conflicting agreements between the Village of Pawling and the individuals, businesses, corporations or entities within the Village of Pawling Sewer District No. 1. These requirements shall also apply to: a. parcels in the Village but not in the Village of Pawling Sewer District No.1; b. parcels in any sewer district formed in the Town of Pawling that is connected to and receives sewer service from the sewage system; and c. parcels in the Town of Pawling but not in a sewer district. Any agreement, written or implied, by which a parcel or parcels of land receive sewer service from the Commission shall be deemed to incorporate this local law and Article II of the SEWER USE LOCAL LAW: VILLAGE OF PAWLING SEWER DISTRICT NO. 1 as amended into such agreement.

Section 3. The rate schedule annexed hereto as Exhibit "A" is hereby approved, effective March 1, or when the billing software is installed and operating, if later than March 1, 2016.

Section 4. Pursuant to §20(4) of the Municipal Home Rule Law ("MHRL"), the mayor of the Village of Pawling has conveyed a message of necessity to waive the waiting time requirements of the MHRL.

Section 5. This local law shall take effect upon filing with the Department of State of the State of New York.

EXHIBIT "A"

2016 SEWER RATE SCHEDULE

PAWLING JOINT SEWER COMMISSION
SEWER RATE SCHEDULE – EFFECTIVE MARCH 1, 2016
(Current rates will continue until new rate billing program is installed and operational.)

A. SEWER CHARGES ARE BILLED TO THE PROPERTY OWNER WITHIN A REASONABLE TIME FOLLOWING THE CLOSE OF A BILLING CYCLE:

1 ST Billing period	March 1 – May 31
2 nd Billing period	June 1 – August 31
3 rd Billing period	September 1 – November 30
4 th Billing period	December 1 – February 28

B. SEWER CHARGES
Quarterly Sewer Rates:

Consumption

First 5,000 gallons (minimum)	\$85.00
5,001 gallons or greater (per thousand)	\$10.50
Capital Assessment (per EDU)	\$51.00

EDU = Equivalent Dwelling Unit = amount of water used by a typical residential user on the system – equals 13,000 gallons per quarter. All residential units (including each apartment unit is assessed 1 EDU). All commercial, institutional and industrial users are assigned an EDU number based upon average water consumption in relation to a typical residential user.

C. PAST DUE BILL CHARGE

All arrears of quarterly sewer rents and capital assessment charges after thirty (30) days from the date of billing shall be subject to a late charge fee. After 30 days a one-time penalty of fifteen percent (15%) is assessed for any quarterly payment which is not paid within thirty (30) days after the bill date.

D. RELEVY OF UNPAID BILLS

In November of each year all accounts within the Town of Pawling in arrears will be referred to the property tax collector for inclusion on the following year's January tax bill to the extent set forth in Section 452 of the General Municipal Law. In May of each year all accounts within the Village of Pawling in arrears will be referred to the property tax collector for inclusion in the following year's tax bill to the extent permitted by law.

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 Introductory local law for the Village of Pawling, to be known as Local Law No. 1 of 2016 "Amendment of SEWER USE LOCAL LAW: VILLAGE OF PAWLING SEWER DISTRICT NO. 1 and ADOPTION OF RATE SCHEDULE FOR 2016";

RESOLVED, that a public hearing be held in relation to the proposed amendments 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 March 7, 2016, 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 ten (10) 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 March 7, 2016, at 7 o'clock p.m., Prevailing Time on Introductory Local Law No. 1 of 2016, entitled "A Local Law "Amendment of SEWER USE LOCAL LAW: VILLAGE OF PAWLING SEWER DISTRICT NO. 1 AND ADOPTION OF RATE SCHEDULE", which local law modifies the structure of sewer system billing and rates for benefited properties in Village of Pawling Sewer District No. 1;

TAKE FURTHER NOTICE, that a copy of the aforesaid proposed introductory 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 the notice and the date of the public hearing.

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

DATED: Pawling, New York
February 16, 2016
Jennifer Osborn, Village Clerk

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 Slocum	Aye.

The resolution passed.

RESOLUTION OF THE VILLAGE OF PAWLING BOARD OF TRUSTEES

Identifier: Resol. authorizing and appropriating local match for EPG I&I grant #57022.

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

WHEREAS, the Village of Pawling Board of Trustees ("Trustees") has been awarded an EFC Engineering Planning Grant in the amount of \$100,000.00; and

WHEREAS, the Trustees will be responsible for the contracting for the I&I program through the Pawling Joint Sewer Commission (“PJSC”) to be funded by this Engineering Planning Grant;

NOW, THEREFORE, BE IT RESOLVED, the Board of Trustees authorizes and appropriates a minimum of 20% of the total project cost as local match as required by the Engineering Planning Grant Program for the Inflow and Infiltration Mitigation project. The maximum local share appropriated subject to any changes agreed to by PJSC Chairman Daniel Peters and/or Mayor Liffland shall not exceed \$20,000.00 (cash or in kind) based on estimated total maximum project cost of \$100,000.00, including future increases; the Chairman or Mayor may increase this local match through the use of in-kind services without further approval from PJSC or the Village of Pawling.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Robert Liffland	✓		
Trustee Dan Peters	✓		
Trustee John Burweger	✓		
Trustee Stan Mersand	✓		
Trustee Earl Slocum	✓		
TOTAL	5	0	0.

The Resolution passed.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: SEQR Type II Resolution for EPG funded I&I study Grant No. 57022.

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

WHEREAS, the Village of Pawling (“Village”) has been awarded an Engineering Planning Grant # 57022 to fund engineering planning study of Inflow and Infiltration in the public sewer system, which grant requires this SEQR resolution; and

WHEREAS, the engineering planning study and associated testing is a Type II action pursuant to 6 NYCRR Part 617.5(c)(18) (“the SEQR Regulation”);

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village finds that the engineering planning study and associated field testing to be funded by EPG #57022 is a Type II action without need for further study pursuant to the State Environmental Quality Review Act.; and

BE IT FURTHER RESOLVED that the basis for this finding is the SEQR Regulation, 6 NYCRR Part 617.5(c)(18), the applicable Type II provision states that the following actions are Type II:

"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;" and

BE IT FURTHER RESOLVED, SEQR Regulation 6 NYCRR Part 617.5(c)(21) provides a second ground for declaring this action to be Type II:

(21) conducting concurrent environmental, engineering, economic, feasibility and other studies and preliminary planning and budgetary processes necessary to the formulation of a proposal for action, provided those activities do not commit the agency to commence, engage in or approve such action;

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	✓		
Trustee Daniel Peters	✓		
Trustee John Burweger	✓		
Trustee Stan Mersand	✓		
Trustee Earl Slocum	✓		
TOTAL	5	0	0.

The Resolution passed.

RESOLUTION OF THE VILLAGE OF PAWLING BOARD OF TRUSTEES

Identifier: Designation of Consulting Team to Prepare Application Documents for EPG Grant # 57022

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

WHEREAS, the Village of Pawling Board of Trustees ("Trustees") has been awarded an EFC Engineering Planning Grant # 57022 in the amount of \$100,000.00 to conduct Infiltration and Inflow mitigation engineering studies ("I&I Program") of the Pawling Sewer System; and

WHEREAS, the Trustees will be responsible for preparation of application documents to qualify for the EPG grant funding for the I&I Program through the Pawling Joint Sewer Commission ("PJSC");

NOW, THEREFORE, BE IT RESOLVED that the Trustees designate the following consultants to prepare the necessary application documents for the EPG Grant # 57022:

- Daniels, Porco & Lusardi, LLP as general counsel;
- Zarecki & Associates, LLC as engineering service provider;

- Municipal Solutions, Inc. as grant administrator of EPG Grant 57022 for the Village and Commission;

BE IT FURTHER RESOLVED, each of the designated consulting firms will provide a proposed contract for services in relation to EPG Grant # 57022 for the I&I Program to be approved by the Trustees and the PJSC, complying with applicable grantor requirements; and

BE IT FURTHER RESOLVED, the Trustees and the PJSC will determine what finance is in place to advance the consulting fees prior to reimbursement by the grant program.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Robert Liffland	✓		
Trustee Dan Peters	✓		
Trustee John Burweger	✓		
Trustee Stan Mersand	✓		
Trustee Earl Slocum	✓		
TOTAL	5	0	0.

The Resolution passed.

MOTION by Trustee Slocum to approve waiving the penalty for Water Account No. 396 in the amount of \$78.84. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the minutes from January 19, 2016 and February 1, 2016. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to approve the Metro North Treasurer's Report for January 2016. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to approve payment of the Metro North bills in the amount of \$4,858.74. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to adjourn the meeting at 7:15 p.m. and go into Public Comment. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

Village Clerk