

DATE OF MEETING: August 1, 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.

**MOTION** by Trustee Mersand to go into the Public Hearing on proposed Local Law No. 1 of 2016 amending Chapter 98 and the Zoning Map of the Village Code entitled "Zoning" to extend the B-1 Business District to include all of 5 Spring Street at 7:01 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said the person who owns the property spoke to the Stewarts (owners of an adjacent property) and they were pleased with it because the property had been neglected for a while and was getting fixed up. He said the property was looking very nice. Trustee Peters stated he thought it was a good idea. Trustee Slocum said he was very much in favor of the proposed Local Law. Trustee Burweger said it was a good idea.

Ms. Betsy Montgomery, a resident of Quaker Hill Road, asked what type of business was going to be there. Mayor Liffland said it is currently a 2 family home – there were 2 buildings and one has always been a 2 family with plenty of parking.

**MOTION** by Trustee Slocum to close the Public Hearing and return to regular session at 7:03 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: Proposed SEQR Resolution for Determination of Non-Significance for Local Law 1 of 2016 Zoning Map Change to B-1 for 5 Spring Street***

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

**WHEREAS**, the Village of Pawling Board of Trustees ("Board") adopted a resolution on July 5, 2016, introducing Local Law 1 of 2016 and setting a public hearing; and

**WHEREAS**, the public hearing was duly convened and closed; and

**WHEREAS**, the Board has reviewed the Short Environmental Assessment Form ("SEAF") bearing the date August 1, 2016, (Exhibit A"); and

**WHEREAS**, the enactment of this proposed local law is an unlisted action pursuant to 6 NYCRR §617, and there are no other involved agencies as defined in 6 NYCRR §617 involving

this action; the Board has determined that it will conduct an uncoordinated SEQRA review as defined in 6 NYCRR §617; and

**WHEREAS**, the SEAF provides evidence that the enactment of this local law will not have a significant impact on the environment; and

**WHEREAS**, the Board, pursuant to 6 NYCRR Part 617.7(b) and (c) of the SEQRA Regulations, has considered the SEAF and the criteria contained in sub-division "c" of Section 617.7 and hereby determines that the Proposed Project will not result in any significant environmental impacts; and

**NOW THEREFORE, BE IT RESOLVED**, the Board accepts the completed SEAF Dated August 1, 2016; and

**BE IT FURTHER RESOLVED** that the Board as Lead Agency confirms the status of the Proposed Action as an Unlisted action pursuant to SEQR, adopts and confirms the recommendations and conclusions in the SEAF that the Proposed Project will not result in significant environmental impacts; and

**BE IT FURTHER RESOLVED** that a true copy of the SEAF supporting the finding of non-significance is annexed hereto and made a part hereof as Exhibit "A".

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

The resolution was adopted.

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

***Identifier: Enacting Local Law Amending Chapter 98 and the Zoning Map of the Village Code Entitled "Zoning" to Extend the B-1 Business District to include all of 5 Spring Street***

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 1<sup>st</sup> day of August, 2016, at 7:00 p.m., Trustee Slocum, seconded by Trustee Peters, moved the following resolution, to enact the following proposed local law, to be known as Introductory Local Law No. 1 of 2016, entitled "A Local Law Amending Chapter 98 and Zoning Map of the Code of the Village of Pawling, entitled "Zoning, by changing the zoning of a .4 acre parcel of Land located at 5 Spring Street from Residential 3 (R-3) to Business 1 (B-1);"

**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 purpose of this local law is to change the zoning designation of this .40 acre parcel (“the Property”), located at 5 Spring Street, and tax parcel number 134001-7056-05-130952 from Residence-3 (R-3) to Business-1 (B-1).

The property is currently improved with a 2 family residence at the front and a large barn at the rear. The site is adjacent to existing B-1 district businesses west of the subject lot, and the R-2 district to the south. The extension of the B-1 district boundary is hoped to permit the 2 family residence to remain and the barn to be converted to a business use on the first floor and two residential apartments.

**Section 2.** Section 98-8 of the Zoning Law of the Village of Pawling is hereby amended to show on the zoning map that the real property located at 5 Spring Street, tax map number 134001-7056-05-130952, owned by Vineyard Avenue Properties, LLC, which is now located in the R-3 zoning district, shall be vested entirely in the B-1 zoning district effective upon the filing of this local law with the Department of State, and the zoning map shall be amended to show such change of zoning district.

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

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 was adopted.

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

***Identifier: Introducing Local Law Amending Chapter 98 of the Village Code Entitled “Zoning” to eliminate the requirement for “Bed & Breakfast” Establishments to be owner-occupied.***

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 1st day of August, 2016, at 7:00 p.m., Trustee Slocum moved the following resolution, seconded by Trustee Peters, to introduce the following proposed local law, to be known as Introductory Local Law No. 2 of 2016, entitled “A Local Law Amending Chapter 98-5 of the Code of the Village of Pawling, entitled ‘Zoning’, to eliminate the requirement for “Bed & Breakfast” Establishments to be owner-occupied;”

**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 purpose of this local law is to eliminate the owner-occupancy requirement created by Local Law No. 1 of 2006 of the Village of Pawling, it being the judgment of the Board of Trustees of the Village of Pawling that supervision of a Bed and Breakfast establishment by a non-owner manager during daytime business hours on days when guests are registered will be sufficient to protect the property and monitor the conduct of registered guests.

**Section 2.** Section 98-5 of the Zoning Law of the Village of Pawling is hereby amended to read as follows.

BED AND BREAKFAST- A single, detached residential building affording overnight accommodations to transient guests in not more than six (6) guest rooms. The owner or a non-owner manager must be present on the premises during daytime business hours, on days when registered guests are in occupancy, to protect the building and grounds, as determined by the owner of the Bed and Breakfast to be advisable.

**Section 3.** Section 98-5 "Bed and Breakfast" definition shall be deemed to apply to all Bed and Breakfast establishments operating with a valid special use permit at the time this local law is enacted, without the necessity of an amendment of the said special use permit.

**Section 4.** A special use permit for a Bed and Breakfast use that is deemed to be continued pursuant to Section 3 above shall be provisionally continued to permit operation by an owner or manager for a term of one year from the date of enactment of this local law, and upon the expiration of such one year term, if the Board of Trustees finds that there have been no violations of law arising on such premises during such provisional time, the continuation of the special use permit shall become permanent, as ordered by the Board of Trustees.

**Section 5.** This local law shall be deemed to amend such parts of Local Law No. 1 of 2006 of the Village of Pawling as are in conflict with this enacted local law.

**Section 6.** 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.

**WHEREAS,** Trustee Slocum has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Introductory Local Law No. 2 of 2016, entitled "A Local Law Amending Chapter 98-5 of the Code of the Village of Pawling, entitled "Zoning" to eliminate the requirement for "Bed & Breakfast" Establishments to be owner-occupied;

**BE IT 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 August 15, 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 August 15, 2016, at 7 o'clock p.m., Prevaling Time on Introductory Local Law No. 2 of 2016, entitled "A Local Law Amending Chapter 98-5 of the Code of the Village of Pawling, entitled "Zoning", by eliminating the current requirement that Bed and Breakfast establishments in the Village of Pawling must be owner-occupied; and

**TAKE FURTHER NOTICE**, that 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; and

**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  
August 1, 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 was adopted.

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING**

***Identifier: Awarding Procurement Contract for Belt Filter Press to BDP Industries, Inc.***

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

**WHEREAS**, a bid opening was held on July 25, 2016 for the manufacture and delivery of sludge dewatering equipment to be installed at the Village of Pawling Wastewater Treatment Plant, as part of the overall Wastewater Treatment Plant Improvement Project; and

**WHEREAS**, one bid was received, from BDP Industries, Inc. for a lump sum price of \$292,900.00, as shown on the bidding submissions annexed hereto as Exhibit "A"; and

**WHEREAS**, Exhibit "A" also contains the recommendation of an engineer on the Project Team of the Village and Pawling Joint Sewer Commission that the manufacture contract be awarded to BDP Industries, Inc., and has previously informed us that the bid price is within the range expected; and

**WHEREAS**, since there is only one bid, a recommendation from the Pawling Joint Sewer Commission is unnecessary;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of the Village of Pawling award the contract to BDP Industries, Inc., and authorize the issuance of a Notice of Award; and

**BE IT FURTHER RESOLVED** that the Pawling Joint Sewer Commission will continue to supervise and manage the contracting and performance of this job with BDP Industries, Inc.

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 was adopted.

### **RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING**

***Identifier: Authorization to secure title insurance for water siphon easement connecting upper and lower reservoirs.***

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

**WHEREAS**, the Village of Pawling Board of Trustees (“Board”) is the owner of the Upper and Lower Reservoirs located in the Town of Pawling, and a capital project to place those reservoirs into service as an expanded drinking water supply for the Pawling area is ongoing, which will include construction of a water treatment plant; and

**WHEREAS**, a water siphon pipe connecting the two reservoirs is an essential component to the water supply of the Village, which continuously recharges the Lower Reservoir with water from the Upper Reservoir; and

**WHEREAS**, the water siphon pipe is situated within an easement that was conveyed to the Village in 1895, extending through several parcels of real property; and

**WHEREAS**, the Board wishes to insure the Village’s title to the said water siphon pipe and easement in order to permanently protect the pipe improvements and the easement so the

recharging of the Lower Reservoir is never at risk, and to assure that the Village will always have rights to maintain and repair the improvements to keep the reservoirs operating; now

**BE IT RESOLVED**, the Board accepts the Certificate and Report of Title originated by Real Property Abstract & Title Services, LLC on behalf of the Chicago Title Insurance Company, annexed hereto as Exhibit "A", which proposes to insure the Village in the amount of \$650,000.00<sup>1</sup> for a single payment premium of \$2,649.00 for permanent coverage of the title to the pipe improvements and easement area; and

**BE IT FURTHER RESOLVED**, the proposed title insurance policy is attached hereto as Exhibit "B", showing the specific scope of coverage and exceptions to coverage; and

**BE IT FURTHER RESOLVED**, the Board approves the payment of the insurance premium in the amount of \$2,649.00 payable to REAL PROPERTY ABSTRACT & TITLE SERVICES, LLC, located at 85 Civic Center Plaza, Ste. 201A, Poughkeepsie, NY 12601 for issuance of the insurance contract, and authorizes the mayor to execute any documents necessary to bind coverage.

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 was adopted.

**MOTION** by Trustee Peters to approve the Village Green and Public Assembly Events Permit application from the Pawling Central School District for the Homecoming Parade to be held on September 23, 2016, 5-8 P.M. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Mersand to approve the minutes from July 5, 2016 and July 18, 2016. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve payment of the July bills in the amount of \$64,077.50. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

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<sup>1</sup> An appraisal of the easement and improvements by Sterling Appraisals, Inc. dated February 12, 2016 concluded that the total easement market value on the date of the appraisal was \$27,500.00 and the replacement value of the pipe improvements (over a mile long) was at least \$690,000.00.

**MOTION** by Trustee Mersand to adjourn the meeting and go into Public Comment at 7:10 P.M. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to return to regular session and close to go into Executive Session for Personnel at 7:25 P.M. **SECONDED** by Trustee Burweiger. 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 7:49 P.M. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Mersand to hire Lou Musella as Civilian Patrol Officer not to exceed 19.5 hours per week at a rate of \$15.00 per hour with no vacation time or benefits and with a uniform reimbursement of up to \$500.00. **SECONDED** by Trustee Burweiger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to adjourn the meeting at 7:51 P.M. **SECONDED** by Trustee Mersand. There was no discussion; all were in favor and the motion carried.

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Village Clerk