

DATE OF MEETING: February 19, 2019

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee Dan Peters
Trustee Earl Slocum
Trustee John Burweger

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

MOTION by Trustee Burweger to close the regular session and return to the Public Hearing on proposed Local Law No. 1 of 2019 – a Local Law to extend VP Sewer District to entire VP area at 7:01 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Trustee Peters said the public hearing was a continuation of the one the Board opened at the last meeting to hear thoughts on the expansion of the sewer district within the village. He stated currently within the village there are 550 parcels connected to the sewer during the last upgrade. He said it was always the plan, and technically by Municipal Law the whole village should be in the sewer district, to connect the 200 parcels that are not hooked up. He said when the plant expansion and upgrade is finished the PJSC will have the capacity for the whole village and will hopefully extend the sewer district down route 22 and into other areas. He said as the PJSC has funding they will put the lines in section by section within the village.

Mr. David Daniels, a village attorney, stated that when the expansion occurs, for people who are worried with finances, they should be aware that the Village Board and the PJSC are also concerned with finances and are going to implement it in a way that will not put homeowners at a disadvantage. He said there are lots of different ways to finance the infrastructure and new technology that might offer cost savings. He said some municipalities have taken out easements, finance the new infrastructure and then the homeowners can repay through installments to the village. He said as well as making sure the PJSC is not under a consent order and the village has a viable system for the future to promote economic development the Boards want to make sure it is affordable for the people.

Mr. Jim Wagner, a resident of Pine Drive / Douglas Drive, asked how many people were in the town. Trustee Peters said they have their own district. Mr. Wagner asked if the bond issue covers all the districts. Trustee Peters said no – he said all they were talking about that evening was expanding the sewer district to encompass the entire village - boundary to boundary. Mr. Wagner said the residents near him have ample acreage for adequate sewer systems and drainage. He said there was no reason for the expansion in that area. Trustee Peters said it was better for the environment and the expansion was not going to happen the next day. He said Municipal Law states the sewer district should be the entire village. Mr. Wagner said they were expanding something when there was no need. Mr. Daniels said that was an opinion.

Mr. Kenny Weber, a resident of Lakeside Drive, said the expansion was nice, cool and efficient but how was he expected to finance it – take out another loan? He said he did not have the money for it and his system works fine. Trustee Peters said his system was fine when he had to hook up during the last expansion. Mr. Weber said he lives 200 feet from the street so it would

cost him a pretty penny. There was discussion on possible hook up scenarios. Mr. Weber asked how much it would cost him. It was explained that would be part of future considerations.

Mr. Larry Baldasar, a resident of Corbin Road, asked how the lines would run in the road. Trustee Peters said it could be on the side of the road. He asked if it would hit curbs or drains. Trustee Peters said it would not. Mr. Baldasar asked if the storm drains were part of the sewer system. Trustee Peters said they were not. Mr. Baldasar asked specifics about hooking his property up – there was discussion. Trustee Peters said it would be a while before new lines were put in because the PJSC is looking for grants and funding. Mr. Baldasar asked if there would be plans for people to review before the lines were put in. Trustee Peters said there would be, however it would be a while.

Mr. Wagner asked how much indebtedness each user has for the \$11 million in funding. Trustee Peters said the debt charge per quarter... Mr. Wagner interrupted and asked how much the indebtedness was per current household on the \$11 million. Trustee Peters responded it was about \$68.00 per quarter. Mr. Wagner said not that – the total on the \$11 million indebtedness already assumed divided by the amount of households. Mr. Daniels said it was about \$300,000 a year total because it is a 0% interest bond. Mr. Wagner asked what that would be divided by the 600 people. Mr. Daniels said the people in the town pay it also. There was discussion about the indebtedness on the bonds. Mr. Daniels said the debt is \$68.00 per quarter per homeowner.

Mr. Richard Giese, a resident of Corbin Road, asked questions about where the lines would run, how it would affect his water valve, how the existing water lines would be affected and how would he afford to hook up. Trustee Peters said there would be discussions about hookups at a later date. Mr. Giese said it seemed it would be a while and might not pertain to him and his wife but rather future owners.

Mr. Randy Hall asked when the plant would be operational. Trustee Peters said 2020. Mr. Hall asked when plans for the line expansions would be available. Trustee Peters said he did not know because it would rely on financing. Mr. Hall asked about the financing options? Mr. Daniels said that would depend on the grants received and many other factors. Mr. Hall asked about Round Hill Drive. Trustee Peters said he would be very surprised to see the lines go up Round Hill.

Ms. Susan Hood, a resident of the village, asked when the PJSC would have a range of the per foot charge. Trustee Peters said the hearing that evening was just to discuss expanding the district. He said the next steps would be to put numbers together. He said this was just the very beginning stages. Ms. Hood asked if the stone wall on her property would be disturbed. Trustee Peters said it would not be disturbed but that was part of the engineering process.

Mr. Weber asked what would happen if the PJSC dug to connect to his well and it was destroyed. Trustee Peters said it would be connected to the septic not the well. There was discussion on billing.

Mr. Spencer Terwilliger asked if there would be charges before a resident hooks up. Trustee Peters said there are no charges until hook up.

Mr. David Bloom, a resident of Gristmill, asked questions about how the sewer would be billed. Trustee Peters said if there was a well then a meter would be hooked up to the well and the sewer would be billed based on water usage.

Ms. Hood asked if people could opt out. Trustee Peters said that was never the case in the past.

Ms. Peta Terwilliger said there was expense for it – what was the yearly expense. Trustee Peters said it was generally approximately \$700 a year (average use). She said she agreed with the people from Gristmill who had functioning wells and septic systems that there was no need for the sewer line. Trustee Peters said this is the first step in being able to provide sewage treatment to a larger number of people because it is what will be required in the future. He said the Board was trying to be proactive.

Ms. Joyce Lazarcheck asked if they could give her an idea of where the lines would be starting. Trustee Peters replied Grandview, Orchard, Knollview, Lakeside, Valley and Corbin.

Mr. Terwilliger asked when the upgrade of the plant began. Trustee Peters said the engineering began about 10 years ago. Mr. Terwilliger said that it could be 10-15 years before the new lines began. Trustee Peters said it depends on financing but it would not be tomorrow.

There was more discussion on financing, timing of new sewer lines and why the plant was being upgraded.

Mr. Mark Yates, a resident of Union Street, asked for clarification on the financing. Mr. Daniels said the plant expansion is \$13 million, \$3 million was a grant, and \$10 million is in 0% interest financing which generates an amortization of about \$300,000 a year which translates to about \$68.00 per quarter for the homeowners. Mr. Yates said the expansion would only happen if grants exist – why is there discussion about indebtedness because that means the \$10 million dollars is where we are - he said the expansion would only be if there is grant money. Mr. Yates said the Board said it wants to expand all services within the village to all people who fall within the zoning but then said people on Round Hill would probably not get sewer lines. Trustee Peters said the district should have been the whole village to start with so currently when someone has to hook up there is a tenancy agreement – so there are tenancy agreements with people who are in the village which shouldn't be. He said when the PJSC starts expanding there are some areas that it might not make sense to expand to and those are decisions that will be made by the engineers. He said if there are 10 houses and it will cost \$3 million to do - it would not make sense, however if it would cost a third of that and 70 houses were brought in that would make sense. Mr. Yates asked why the Board was expanding the district if people have viable water and septic and choose not to want to hook in... Mr. Daniels said when the system was set up 35 years ago it was set up under Municipal Home Rule Law which was an exception to NY Law which said that a village was only allowed to have sewer through a village wide system – you could not have a district. He said the village got around that by passing a Local Law that created this discrete district. He said what the Board was proposing to do now was to go back to the way that most other villages are doing it in NYS. He said there would be a village wide sewer system but also recognizes that the law allows for reality and when you do that you need to have a Map, Plan and Report that talks generally and conceptually about what you plan to do with your sewers throughout the village. He said it does not require you to do stupid things like if there is a property where the line has to go off a cliff that costs X amount of dollars you do not have to do it – you never have to do it but that property is still technically in the district so how do you address that – you say you are not going to impose assessments on those types of properties. Mr. Yates said that made sense to him and he was just trying to understand the rules of engagement because it sounds that some homeowners have a well and leaching fields and are perfectly content and the lady in front asked how much it would cost and

was told the Board would let her know when they got around to it and what if then it was too late and cost \$1,000 per foot. Mr. Daniels said a cost benefit analysis needs to be done and all those points and concerns would be addressed. He said this was just laying out the correct template and that then the pieces could be put in place over time, if at all, but now the template is there. He said it makes total sense because now the village has to do a tenancy agreement for a village property which costs time and money but with the new local law the Board could do what makes sense. Mr. Yates said that makes sense.

Ms. Susan Hood asked why the Board does not lock in the grant before doing anything. Mr. Daniels said in order to get a grant you need a plan and that requires money. He said to get to the next level dollars have to be spent.

MOTION by Trustee Peters to close the Public Hearing and return to regular session at 7:58 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to adopt the following Resolution. **SECONDED** by Trustee Burweger.

ENACTMENT OF LOCAL LAW TO EXTEND VP SEWER DISTRICT TO ENTIRE VP AREA, BEGINNING WITH RESOLUTION TO PREPARE MAP, PLAN AND REPORT FOR EXTENDED AREA OF DISTRICT, PURSUANT TO MUNICIPAL HOME RULE LAW §10(1)(ii)(e)(3) AND INVOLVING ADDITIONAL PROCEDURES (amending earlier local laws)(see VP LL No. 2 of 1981, LL No. 1 of 1996, LL No. 2 of 1999, LL No. 3 of 1991).

Introductory Local Law 1 of 2019.

WHEREAS, the Board of Trustees of the Village of Pawling has enacted a resolution introducing Introductory Local Law No. 1 of the Village of Pawling, and has duly published a Notice of Public Hearing and the said public hearing was held on February 4, 2019 and continued on February 19, 2019 and public comments were taken at such public hearing after which such public hearing was closed; and

WHEREAS, a resolution was previously adopted determining that increasing the service area of Sewer District No. 1 of the Village of Pawling to developed areas of the Village is a Type 2 action pursuant to 6 NYCRR 617.5(c)(11) of the regulations enacted by NYS Department of Environmental Conservation for the State Environmental Quality Review Act ("SEQRA regulations"); and

WHEREAS, this introductory Local Law was delivered in final form to the members of the Village of Pawling Board of Trustees on January 7, 2019 and no amendments have been made thereafter, with the result that the Board of Trustees is permitted to vote on enactment of the said introductory local law on February 19, 2019 as provided by the municipal home rule law §20(4); therefore, the Village of Pawling Board of Trustees acts as follows:

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

A local law Creating Village-wide Extension of the Village of Pawling Sewer District No. 1 to Entire Village of Pawling Area shall provide as follows:

Section 1: Pursuant to Municipal Home Rule Law, §10(1)(ii)(e)(3) and superseding the provisions of Article 14 of the Village Law, the Village of Pawling Board of Trustees previously ordered a public hearing to convene on February 4, 2019 and for notice of said public hearing to be posted and published by the village clerk to consider this proposed local law which will, if enacted, establish and create an extension of the Village of Pawling Sewer District No. 1 to be known as “Village-wide Extension of the Village of Pawling Sewer District No. 1”. The public hearing notice advised the public of the date and place of the hearing, the time and that this proposed local law and the map plan and report prepared by the Village’s engineers may have been consulted were available during business hours at the office of the village clerk at 9 Memorial Avenue, Pawling, NY 12564.

Section 2. The boundaries of “Village-wide Extension of the Village of Pawling Sewer District No. 1” shall be co-terminus with the boundaries of the Village of Pawling, County of Dutchess and State of New York.

Section 3. The Mayor and members of the Board of Trustees of the Village of Pawling which serve as the governing body of the Village of Pawling Sewer District No. 1 which also serve as the governing body of the prior extensions shall serve as the governing body of the entire area of the District as extended by this “Village-wide Extension” of Village of Pawling Sewer District No. 1, and said Mayor and members of the Board of Trustees shall be entrusted with all decision-making responsibilities for the whole of the District No. 1 as extended.

Section 4. The facilities shown on the Map, Plan and Report filed with the Village Board on December 13, 2018 shall be owned by the whole of the area of the Village of Pawling Sewer District No.1 as extended to be co-terminus with the boundaries of the said Village of Pawling.

Section 5. Pursuant to Municipal Home Rule Law §10(1)(ii)(e)(2) the Mayor and members of the Board of Trustees of the Village of Pawling shall have the power to assess the costs of the creation, establishment and maintenance of the whole of the Village of Pawling Sewer District No. 1 area against the property described in Section 2 herein above which is benefited by the system, provided the Mayor and Board of Trustees of the Village of Pawling comply with the requirements of §22-2200 of the Village Law relative to notice, public hearing and right to review prior to the imposition of any assessments, and the said Map, Plan and Report shall prescribe the manner of operation of the said extension of the Sewer District.

Section 6. Repeal of prior ordinances and Local Laws- All ordinances and local laws or any parts thereof of the Village of Pawling inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to the other ordinances and local laws regulating and governing the subject matter of this local law. It is expressly intended that the Sewer Use Local Law for the Village of Pawling Sewer District No. 1 shall remain in full force and effect, including amendments¹. It is further expressly intended that all sewer ordinances and local laws regulating and

¹ Amendments including but not limited to dated June, 1983, September, 1983, October, 1988, June, 1989, March, 1991, February 1992, February 1994, December 2002 and June, 2007.

governing the subject matter covered by this local law shall remain in full force and effect until amendment pursuant to law.

Section 7. Saving Clause- If any clause, sentence, paragraph or part of this article shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 8. The map, plan and report was prepared by competent engineers licensed as such to practice in the State of New York, and otherwise complies fully with the best practices for maps, plans and reports as described in Town Law §209-c

Section 9. This local law shall take effect upon its filing with the Secretary of State pursuant to §27 of the Municipal Home Rule Law.

Section 10. This local law and notice of hearing will be filed with the Department of Environmental Conservation and the NYS Comptroller pursuant to Town Law §209-d, §209-e, §209-f and Village Law §14-1400 and 14-1432, and may be subject to a referendum on petition as provided in Village Law §14-1432.²

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

Mayor Rob Liffland	Aye
Trustee Dan Peters	Aye
Trustee John Burweger	Aye
Trustee Earl Slocum	Aye
Trustee Lauri Taylor	Absent.

The Resolution was adopted.

MOTION by Trustee Peters to reject all bids received for the Water Treatment Project rebid opened on November 19, 2018. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Liffland said the bids received were way over budget so the Board was looking at the different avenue of groundwater

Ms. Betsy Montgomery, representing the Pawling Farmer's Market, gave a presentation on the market and requested use of the Village Green this spring and summer.

MOTION by Trustee Burweger to approve the Pawling Farmer's Market on the Village Green Saturdays, 9 am – 1 pm - June 15, 2019 – October 12, 2019. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

² Formation of Village of Pawling Sewer District No. 1 and extensions by Local Law 2 of 1981 etc. were not subjected to a permissive referendum procedure and consent by the NYS Comptroller.

MOTION by Trustee Peters to approve payment of the Metro North bills in the amount of \$244.98. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Burweger said he approached an antique mall vendor who operates in Hudson NY who said he is interested in moving into the village. He said he would continue working on it.

MOTION by Trustee Burweger to approve the Metro North Treasurer's Report for January 2019. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to adjourn the meeting at 8:04 PM. and go into Public Comment **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

Village Clerk