

DATE OF MEETING: September 3, 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.

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

WHEREAS, the Board of Trustees of the Village of Pawling has applied to the New York State Environmental Facilities Corporation (“EFC”) for financing of capital costs for the necessary expansion and upgrade of the public water supply owned by the Village of Pawling (“Water Project”); and

WHEREAS, the legal services projected budget for the EFC funding of the water supply expansion and upgrade project is approved at \$100,000.00, therefore,

BE IT RESOLVED the mayor is authorized to execute the engagement letter for budget of \$100,000.00 for the Water Project, as annexed hereto and made a part hereof at Exhibit “A”.

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

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| Mayor Robert Liffland | Aye |
| Trustee Daniel Peters | Aye |
| Trustee John Burweger | Aye |
| Trustee Earl Slocum | Aye |
| Trustee Lauri Taylor | Absent. |

The Resolution was adopted.

Identifier: Introducing Local Law No. 1 of 2019 Repealing All Previous Local Laws Pertaining to Snow and Ice Removal and Creating a New Chapter No. 78 and Providing for Exclusions of Certain Institutional Property Owners from Mandatory Clearing of Snow from Sidewalks

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 3rd day of September, 2019, at 7:00 p.m., Trustee Burweger, seconded by Trustee Peters, moved the following resolution, to

introduce the following proposed local law, to be known as Local Law No. 1 of 2019, entitled "A Local Law Repealing All Previous Local Laws Pertaining to Snow And Ice Removal and creating a New Chapter No. 78 and Providing For Exclusions of Certain Properties Dedicated to Conservation Purposes from Mandatory Clearing of Snow and Ice from Sidewalks

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

Section 1. Statement of Purpose and Intent. It is the purpose and intention of the board of trustees to protect the safety, health, comfort and general welfare of the inhabitants of the Village and their property by promoting and encouraging the conservation, preservation and maintenance of the scenic, open, historic, archaeological, architectural, or natural condition, character, significance or amenities of real property in the Village of Pawling in a manner consistent with the public policy and purpose set forth in section 49-0301 of the New York Environmental Conservation Law and Art 14, Section 4 of the New York State Constitution. The board has determined that such purpose and intention will be furthered by exempting real property which is owned by a public body or not for profit conservation corporation and subject to a conservation easement from certain mandates set forth in Village's local law pertaining to snow and ice removal.

Section 2. A new Chapter Number 78 is created providing as follows:

Snow and Ice Removal (with all amendments through 2019)

- § 1. Purpose.**
- § 2. Definitions**
- § 3. Duty to keep the sidewalks clear.**
- § 4. Time limit for removal.**
- § 5. Severe icing.**
- § 6. Removal by Village.**
- § 7. Cost of removal.**
- § 8. Towing of Vehicles**
- § 9. Snow, ice and water falling from building.**
- § 10. Depositing snow and ice in streets prohibited.**

§ 11. Piling of snow or ice on streets or private land restricted.

§ 12. Snow emergency.

§13 Exemptions

§ 14. Penalties for offenses.

§ 15. Severability.

§ 16. When effective.

§ 1. Purpose.

The purpose of this local law shall be to preserve the public peace and good order in the Village, to contribute to the welfare, safety and good order of its people and to contribute to the safe conveyance of its people over the streets and sidewalks of the village by establishing certain regulations for the removal of snow and ice from the streets and sidewalks of the village that are consistent with the rights and privileges of other residents of the village. It is further noted that certain snow removal practices are a vexation and annoyance not only to the traveling public but to the owners and occupants of adjoining lands. It is for these reasons and others that the Board of Trustees of the Village of Pawling is compelled to legislate upon the subject matter.

§ 2. Definitions

As used in this Local Law:

“Adjoining Owner” means the owner of a given Adjoining Parcel.

“Adjoining Parcel” means any parcel of real estate which adjoins a public sidewalk within the Village of Pawling.

“Adjoining Sidewalk” means the portion of a public sidewalk within the Village which runs along a given Adjoining Parcel.

“Adjoining Sidewalk Length” means the length of the Adjoining Sidewalk measured along the boundary line of the Adjoining Parcel.

“Snow Removal Amount” means the sum of \$70.00; provided, however, if the Adjoining Sidewalk Length exceeds 50 linear feet, then the Snow Removal Amount shall equal the sum of \$70.00 plus an additional amount equal to \$1.00 per each linear foot that the Adjoining Sidewalk Length exceeds 50 linear feet. For example, if the adjoining Sidewalk Length is 60 linear feet, then the Snow Removal Amount would be \$80.00.

§ 3. Duty to keep sidewalks clear.

It shall be the duty of the Adjoining Owner of every Adjoining Parcel, whether the Adjoining Parcel is occupied by a structure or not, to keep the Adjoining Sidewalk free from snow and ice and for the full paved width of such sidewalk, as may be practicable.

§ 4. Time limit for removal.

Each Adjoining Owner shall have the obligation and responsibility to ensure that any snow and ice which has accumulated on the Adjoining Sidewalk has been removed within twenty-four (24) hours after the end of each snowfall.

In addition, sidewalks in front of commercial establishments and commercial parking lots shall be kept free of snow and ice at all times between the hours of 9:00 a.m. and 5:00 p.m. as may be practicable.

§ 5. Severe icing.

In case snow and ice on any Adjoining Sidewalk shall be frozen so hard that it cannot be removed without injury to the sidewalk, the Adjoining Owner shall ensure that within the time specified in paragraph 4, above, the Adjoining Sidewalk is strewn and kept strewn with ashes, sand, sawdust or other suitable material so as to minimize, to the maximum extent practical danger to life and limb. As soon as practical thereafter, the Adjoining Owner shall ensure that the Adjoining Sidewalk shall be completely cleared of snow, ice and other materials strewn thereon, as provided in this local law.

§ 6. Removal by Village of Pawling.

If such accumulations of snow and ice are not removed within the time frames specified in paragraph 4, above, then the Village of Pawling may cause such snow and ice to be removed from such Adjoining Sidewalk by Village personnel or by other personnel engaged by the Village.

§ 7. Cost of removal.

In the event that the Village removes snow and ice from an Adjoining Sidewalk pursuant to paragraph 6 of this Local Law, then: (i) the Adjoining Owner shall, upon written notice of demand by the Village to such Adjoining Owner, pay to the Village the Snow Removal Amount.

The Village Clerk shall mail a bill to the Adjoining Owner of any Snow Removal Amount due to the Village as provided above promptly following receipt of notice from the Village Street Foreman of the Village's removal of snow and ice from an Adjoining Sidewalk. If the Snow Removal Amount is not paid within thirty (30) days, the cost thereof shall be assessed against the property and village taxes.

§ 8. Towing of Vehicles.

Vehicles parked in the municipal lot must be moved within twenty-four (24) hours after the end of a snowfall. Any vehicle not removed from the municipal lot within the time specified in this local law may be towed at the direction of the Street Foreman, or his designee, and the owner of the vehicle shall be liable for the costs of said towing. The costs of towing a vehicle from the municipal lot shall be paid by the owner of the vehicle prior to the vehicle being released to the owner.

§ 9. Snow, ice and water falling from building.

The owners or occupants of buildings adjacent to public sidewalks shall prevent the falling of snow, ice or water from such buildings upon said public sidewalks, as may be practicable.

§ 10. Depositing snow and ice in streets prohibited.

No person, firm or corporation shall deposit, throw, place or strew, nor shall any person, firm or corporation cause to be deposited, thrown, placed or strewn, any snow or ice upon any street, avenue or roadway within the Village of Pawling, except such snow and ice may be placed along the edge of the roadway in the gutter in the event there is no other place for it.

§ 11. Piling of snow or ice in streets or private land restricted.

A. No person, firm or corporation shall pile, gather up, plow up, or in any way force any snow or ice upon any street, avenue or roadway within the Village of Pawling or from one streets, avenue or roadway onto any other street, avenue or roadway within the Village of Pawling.

B. No person, firm or corporation shall pile, gather up, plow up of in any way force any snow or ice upon any terrace or parcel of land within six (6) feet of any street, avenue or roadway in such a manner as to cause the height of snow and ice so piled, gathered, plowed or forced to exceed three (3) feet six (6) inches in height above the existing natural grade of said terrace or parcel of land within six (6) feet of said street, except that it shall be unlawful to cover a fire hydrant with snow or ice.

C. No person, firm, corporation, property owner or occupant shall remove snow or ice from any parcel of real estate and place it upon another parcel of real estate without the express permission of the owner of the parcel of real estate which the snow or ice is to be placed.

D. Any person, firm or corporation piling, gathering or plowing up snow or ice on any public street, avenue or roadway or to an excess height, as indicated in § 9B above, shall forthwith remove the same at his or its expense, upon the request of the Street Foreman of the Village of Pawling.

E. Whenever any person, firm or corporation neglects or refused to remove snow or ice piled, gathered or plowed up by him or it in violation of this local law within four (4) hours after a request to do so by the Street Foreman of the Village of Pawling, it shall be the duty of the Street Foreman to remove said snow or ice from such street or terrace and notify the Village Clerk of the expense incurred by the amount of labor, equipment and materials used.

F. The Village Clerk shall promptly present to the violator of this local law a bill for the removal of snow and ice, as provided for in § 9E, as certified by the Street Foreman. If not paid within thirty (30) days, in the case of a property owner, the cost thereof shall be assessed against the property and become a lien thereon, collectible in the same manner as delinquent village taxes.

§ 12. Snow emergency.

A. There is hereby declared an emergency to exist in the Village of Pawling by reason of a heavy snowstorm whenever snow falls during any period of twenty-four (24) hours or less to a depth of four (4) inches or more, in that such storm constitutes a serious public hazard impairing transportation, the movement of feed and fuel supplies, medical care, fire, health and police protection and other vital facilities of the Village. Such an emergency is declared to continue for a period of twenty-four (24) hours or until such earlier time as snowplowing operations have been declared completed by the Street Foreman of the Village of Pawling.

B. Whenever such an emergency exists and the Street Foreman of the Village of Pawling shall have caused announcement thereof to be made by the local radio station, whose normal operating range covers the Village of Pawling, it shall be unlawful for any person to park or suffer to be parked any vehicle of any kind or description between the hours of 9:00 p.m. and 6:00 a.m., inclusive, upon any street, avenue or roadway in the Village of Pawling, provided that vehicles may be parked for a period of time not longer than three (3) minutes for actual loading or unloading of passengers or thirty (30) minutes for actual loading or unloading of property, provided further that no other ordinance or local law restricting parking as to place or time is violated thereby.

C. In the event of a snow emergency, the Mayor, or the Deputy Mayor if the Mayor shall not be available, shall be authorized, in consultation with the Street Foreman, to either suspend the obligation of Adjoining Owners to remove snow and ice from their Adjoining Sidewalks as required by this local law or extend the time within which the Adjoining Owners are required to remove snow and ice from their Adjoining Sidewalks as required by this local law.

§13. Exemptions.

Sections 3, 4, 5, 6 and 7 of this Local Law shall not apply to any Adjoining Parcel

which meets each of following conditions: :

- (i) The entire Adjoining Parcel is owned in fee simple by a “public body” or a “not-for profit conservation organization” as such terms are defined in NY ENVIR CONSER § 49-0303; and
- (ii) The entire Adjoining Parcel is subject to a “conservation easement” as such term is defined in NY ENVIR CONSER § 49-0303.

With respect to any Adjoining Parcel which qualifies for the exemption set forth in this Section 13, the Village of Pawling may cause such snow and ice to be removed from the applicable Adjoining Sidewalk by Village personnel or by other personnel engaged by the Village, but shall not charge the cost of such removal to the Adjoining Owner.

§ 14. Penalties for offenses.

Any person, firm or corporation which shall violate § 2,3,4,7,8,9 or 10 of this local law shall, upon conviction thereof, be guilty of a violation, punishable by a fine of up to Two Hundred and Fifty dollars (\$250.) and by imprisonment up to 15 days for each offense.

§ 15. Severability.

Should any section, paragraph, sentence, clause or phrase of this local law be declared unconstitutional or invalid for any reason, the remainder of said local law shall not be affected thereby.

§ 16. When effective.

This local law shall take effect upon filing with the Secretary of State.

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:

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| Mayor Liffland | Aye |
| Trustee Burweger | Aye |
| Trustee Peters | Aye |
| Trustee Slocum | Aye |
| Trustee Taylor | Absent |

DATED: Pawling, New York
September 3, 2019
Jennifer Osborn, Village Clerk

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

WHEREAS, Trustee Burweger has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Introductory Local Law No. 1 of 2019, entitled "A Local Law Repealing All Previous Local Laws Pertaining to Snow And Ice Removal and creating a New Chapter No. 78 and Providing For Exclusions of Certain Properties Dedicated to Conservation Purposes from Mandatory Clearing of Snow and Ice from Sidewalks.

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 September 16, 2019, 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 September 3rd, 2019, at 7 o'clock p.m., Prevailing Time on Introductory Local Law No. 1 of 2019, entitled "A Local Law Repealing All Previous Local Laws Pertaining to Snow And Ice Removal and creating a New Chapter No. 78 and Providing For Exclusions of Certain Properties Dedicated to Conservation Purposes from Mandatory Clearing of Snow and Ice from Sidewalks", which local law exempts real property which is owned by a public body or not for profit conservation corporation and subject to a conservation easement from certain mandates set forth in Village's local law pertaining to snow and ice removal.

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.

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
September 3, 2019
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 Slocum | Aye |
| Trustee Taylor | Absent |

DATED: Pawling, New York
September 3, 2019
Jennifer Osborn, Village Clerk

MOTION by Trustee Peters to approve the Building Department fees and the Planning Board fees in the B-2 District per correspondence dated August 30, 2019. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve Woodland Manor's Payment Request No. 3 in the amount of \$58,555.03. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the Village Green and Public Assembly Events Permit application for the Greater NY Conference Adventist Youth Ministry Health Expo to be held on September 14, 2019 from 3:30 pm – 6 pm. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

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

MOTION by Mayor Liffland to approve payment of the August bills in the amount of \$158,445.91. **SECONDED** by Trustee Slocum. 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 \$143.03. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to adjourn the meeting and go into Public Comment at 7:08 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to return to regular session and close to go into Executive Session to discuss litigation at 7:10 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Slocum to close Executive Session, return to regular session and adjourn the meeting at 7:43 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk