

DATE OF MEETING: May 17, 2021

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor
Trustee Dan Peters
Trustee Earl Slocum
Trustee John Burweger
Trustee Gerald Locascio

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

MOTION by Trustee Peters to reopen the Public Hearing on proposed Local Law #1 of 2021 – Abolishing the Office of Village Justice of the Village of Pawling at 7:00 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Taylor asked if there were any comments from the public.

Ms. Jeanette Daniels, a resident of Walnut Street, had a few concerns:

- More information needs to be made public
- Was not discussed with the Court Clerk
- Why was the issue not raised before the Court Clerk was out and the public Consolidation vote
- Grant money not subtracted from expenses – savings of \$2,332.97
- COVID time was included in expenditures
- Provide Code Enforcement Officer information – number of tickets issued, voided, dismissed and revenue
- Provide Code Enforcement Officer and Special Prosecutor expenses for 2017 – 2020
- Why is CEO included in Court expenses when it was appointed by Village Board - is this not a conflict of interest
- Monthly breakdown of phone and internet services
- 2 part time employees without medical expenses or sick time – whose positions will be eliminated
- If the court is supposed to be in the business of making money that is a disservice to the village residents and the public
- Is this the beginning of the elimination of the village government entirely.

Mr. Steve Goldberg, a resident of Oak Shadow Lane, said he was disappointed with the Court expenditures and revenues document that was posted online. He said listed under the expenditures were court fees paid to the County and State. He said those amounts were not in the Village Budget – he said that money is obviously not spent because it is the money of defendants and violators and the money will not be saved if the court is abolished because they are pass thru dollars. He said they should not be included in the expenditures and as part of a calculated court deficit. He said it is not cool. He said by including that it was overstating the costs of the court by 20%. He said the costs of the Parking Code Enforcement Officer were also included and that position would not be eliminated with the elimination of the court so the village was not saving that money. He said the Board might say “let the Town pay for it” but he discovered that ordinance funds – that is parking funds - go to the village so if they were thinking the town would pay for that think again they wouldn’t. He said those 2 items add up to a

third of what the Board called expenditures which means the deficit is 33% overstated which is unfair. He stated the State created a template on how to assess court costs and it was a shame nobody used that document. He said it was not a shared service – it was walking away from a village service. He said it was losing a local venue for small business claims, renters to fight unfair evictions, every landlord will have to take their case to another venue which underrepresents the parties. He said imagine being a renter and knowing that – imagine the impact on the less fortunate and the elderly of the community. He repeated it was not a shared service – it was a “walk away Joe” and it was something that village voters told the Board by a margin of 7 to 1 that they didn’t want. He said it was incredibly bad policy, incredibly bad politics and he urged the Board not to pass it.

Mr. Drew Montgomery, a resident of Quaker Hill Road, asked if the Parking Officer position would be eliminated because there was a lot of time spent developing the position and the parking regulations and it would be an unfortunate move to get rid of this.

Mayor Taylor said the Parking Officer position would not be abolished and the village would continue to receive the parking fines. She stated the Board sees it as a shared service and as far as looking to make money off the court, that was not what the Board was looking to do, they just wanted it to stand on its own feet and not lose money.

MOTION by Trustee Peters to close the Public Hearing on proposed Local Law #1 at 7:14 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Peters moved the following resolution, seconded by Trustee Slocum, to enact Local Law 1 of 2021, to be known as “A Local Law Abolishing the Office of Village Justice of the Village of Pawling”

WHEREAS, the expenses to operate the Village of Pawling Justice Court have regularly exceeded the revenue generated by the Village of Pawling Justice Court, and

WHEREAS, in an effort to contain costs the following Local Law is being proposed to abolish the Village of Pawling Justice Court.

WHEREAS, at a meeting held on April 19, 2021 the proposed local law was introduced and a date was set for a public hearing:

WHEREAS, on May 3, 2021 and May 17, 2021 duly noticed public hearings were held on Local Law 1 of 2021.

Upon due deliberation of the Board of Trustees of the Village of Pawling:

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

Section 1. The office of Village Justice is hereby abolished in accordance with the authority provided to the Village of Pawling Board of Trustees under section 3-301(2)(a) of the New York State Village Law. This abolishment shall take effect upon the expiration of the term of the then current Village Justice at the time this local law becomes effective.

Section 2. Any other local law, ordinance or resolution inconsistent with this local law is hereby repealed.

Section 3. This local law shall be subject to a permissive referendum, and shall not become effective until thirty (30) days after its adoption. If a referendum petition complying with section 9-902 of the New York State Village Law is filed with the Village Clerk within that timeframe, this local law shall not become effective unless approved by a majority of qualifying electors voting on such proposition. The Village Clerk is directed to publish notice of this local law in the official newspaper of the Village within ten (10) days.

Section 4. Once the requirements of Section 3 of this law have been satisfied, this local law shall take effect immediately upon filing with the New York State Department of State.

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

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Earl Slocum	Aye
Trustee Gerald Locascio	Abstain.

Mr. Jonathan Bardavid, a village attorney went over proposed Local Law No. 2 – regarding reimbursement of professional fees incurred by the Village in connection with land use applications.

Trustee Peters moved the following resolution, seconded by Trustee Burweger, to introduce the following proposed local law, to be known as “A Local Law Regarding Reimbursement of Professional Fees Incurred by the Village in Connection With Land Use Applications” and to set a date for the public hearing on the said local law:

WHEREAS, the Village wishes to update its rules regarding reimbursement of professional fees incurred by the Village in connection with land use applications and to codify the audit procedures already applicable to said fees set forth in New York Village Law §5-524.

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

Article X of the Code of the Village of Pawling is hereby repealed and replaced by the following:

Section 98-53. Payment prerequisite to issuance of permit or certificate

No permit or certificate shall be issued by the Building Inspector until the applicant has paid to the Village of Pawling the appropriate fee pursuant to the fee schedule for permits which shall be reviewed and updated periodically to ensure that such fees are reasonable and necessary in accordance with the procedures set forth in this Article.

Section 98-54 Payment of expenses of professional review services.

(a) As used in this article, the following terms shall have the following meanings:

Land Use Permit: Any governmental permit or approval required by this Code or other applicable law, rule or regulation concerning the use of real property, including but not limited to site plan approval, site development plan approval, subdivision approval, zoning amendment, other local law change, special permit, use variance, area variance, interpretation, change of use permit, special use permit certificate of legal nonconformity, building permit, SEQRA review, architectural conformance or other land use permit application or appeal.

Reviewer: Any governmental Board, or other body or any official which has the jurisdiction, authority, or duty to make a determination as to the approval or disapproval of an application for a land use permit.

(b) This article shall apply to a) all fees for which a dispute is pending on the date this Local Law is enacted and b) all land use permit applications pending before any Reviewer at the time that this Local Law is filed with the Secretary of State and all applications submitted thereafter.

(c) An applicant for a land use permit may be required by the Reviewer to bear the expenses incurred in obtaining the services of professional consultants required by the reviewer during the consideration of such land use permit application.

(d) The review expenses provided for herein are in addition to application or administrative fees required pursuant to any other provisions of this chapter or Code or any other law, rule or regulation, including SEQRA fees imposed pursuant to 6 NYCRR 617.13 (except that the professional fees imposed hereunder in connection with SEQRA review shall be credited against the fees imposed under 6 NYCRR 617.13). Money deposited by applicants pursuant to this section shall not be used to offset the Village's general expenses of professional services for the several boards of the Village or its general administrative expenses.

Section 98-55 When and how deposit required.

(a) In connection with any Land Use Permit application, the Reviewer to whom such application is made may, at any time during the pendency of such application, require an applicant to deposit an initial sum of money into an escrow account in advance of the review or continuation of the review of the application. No application shall be deemed to be complete unless and until such deposit is made.

(b) The applicant shall be required to deliver such amount as is determined appropriate by the Reviewer, as provided herein, to the Village for deposit by the Planning Board and Zoning Board Secretary in a non-interest-bearing escrow account maintained by the Village of Pawling for custody of funds collected pursuant to this section. Said escrow deposit must be paid prior to the consideration of the application by the Reviewer, or prior to the continuation of such consideration.

(c) Upon completion of the review of an application or upon the withdrawal of an application, and after all fees already incurred by the Village have been paid and deducted from the escrow account, any balance remaining in the escrow account shall be refunded within 30 days after the applicant's request.

Section 98-56 Escrow

(a) Amount

The escrow fund amount shall be based on the estimated cost to the Village of professional review of the particular type of application before it. The Reviewer may consider the professional review expenses incurred by neighboring municipalities in reviewing similar applications. The Reviewer may also consider available surveys of professional review expenses in determining the initial sum of money to be deposited in an escrow account by the applicant. For the purpose of this article, professional review services shall be defined as, but not limited to, those services provided by stenographers, engineers, lawyers, architects, landscape designers, certified surveyors, property appraisers, planners and related professionals.

(b) Replenishment of escrow.

If at any time during the processing of a land use permit application there shall be insufficient funds on hand to the credit of an applicant to pay the professional review expenses in full, or if it shall reasonably appear to the Reviewer that such funds will be insufficient to meet professional review expenses yet to be incurred, the Reviewer shall require the applicant to deposit such additional sums as the Reviewer deems necessary or advisable in order to meet such expenses or anticipated expenses. Until such payment is made by the applicant, the Reviewer shall not continue to consider or review said application. No application shall be deemed to be complete unless and until such additional deposit is made.

(c) Payment of expenses.

1. Said escrow fund shall be used to pay the reasonable and necessary costs of a proper and thorough professional review of the application.
2. The Chairperson of the Reviewer shall review all such vouchers and shall approve payment of only such consultant charges as are reasonable in amount and necessarily incurred in connection with the review and consideration of applications. A charge or part thereof is reasonable in amount if it bears a reasonable relationship to the average charge by consultants to the Village for services performed in connection with the review of a similar application. In auditing the vouchers, the Village may take into consideration the size, type and number of buildings to be constructed, the topography of the site at issue, environmental conditions at such site, the infrastructure proposed in the application and any special conditions the Village may deem relevant. A charge or part thereof is necessarily incurred if it was charged by the consultant for services rendered in order to protect or promote the health, safety, or other vital interests of the residents of the Village, and protect public or private property from damage. In no event shall any applicant make direct payment to any Village consultant.
3. Upon review and approval as provided herein of itemized vouchers from professional consultants for services rendered on behalf of the Village regarding a particular application, the Village shall cause such vouchers to be paid out of the monies so deposited, and shall debit the separate record of such account accordingly. The professional consultant shall make copies of such vouchers available on request to the applicant at the same time the vouchers are submitted to the Village.
4. The Applicant may appeal the determination of the Chairperson of the Reviewer with respect to the review or expenses charged to the applicant hereunder to the Village Board within 30 days of receipt of any statement of expenses received from the Village by written notice to the Village Board delivered within the said 30 day period. The appeal to the Village Board is a prerequisite to any challenge in any court of law. An appeal not

submitted within the 30 day period is waived. Notwithstanding same any dispute pending on the date the Local Law is enacted shall be treated as an appeal and shall be reviewed by the Village Board in accordance with the standards set forth herein.

(d) Failure to make deposit or replenishment.

In the event the applicant fails to deposit the required sum into an escrow account or to replenish said escrow as required, any land use permit application or approval shall be withheld or suspended by the Reviewer until such sum is deposited. No Reviewer shall give any approval conditioned on future payments to be made. Any costs incurred by the Village for professional services in processing a certificate of occupancy shall be recovered as a fee before said certificate shall be issued. No future application to any Village board, body or official shall be accepted, nor shall any Village permit or certificate be issued, if said applicant has outstanding any fees due the Village from any previous land use permit applications.

(e) Charge Against Real Property

Any expenses for professional review fees incurred by the Village in connection with a Land Use Permit application shall be a charge against the real property which was the subject of the application and shall be a lien against such real property and shall be collected in the same manner as real property taxes in accordance with the provisions the Real Property Tax Law.

Section 98-57 In the event of either a site plan, site development plan, special use permit, subdivision plat, or other application approved by the Planning Board pursuant to NYS Village Law, or the Code of the Village of Pawling, the Planning Board Chairman shall not affix his or her signature to such site plan, special use permit or subdivision plan until all outstanding professional review expenses have been paid by the applicant.

Mayor Taylor advised the Village Board that, pursuant to the Municipal Home Rule Law of the State of New York, it was necessary to hold a public hearing upon this proposed local law.

Trustee Peters offered the following resolution, which was seconded by Trustee Burweger, who moved its adoption:

WHEREAS, Trustee Peters has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. 2 of 2021, entitled "A Local Law Regarding Reimbursement of Professional Fees Incurred by the Village in Connection With Land Use Applications."

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Hall on June 7, 2021, at 7 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Pawling by the Village Clerk, at least five (5) 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 June 7, 2021, at 7 o'clock

p.m., Prevailing Time on Proposed Local Law No. 1 of 2021 entitled “A Local Law Regarding Reimbursement of Professional Fees Incurred by the Village in Connection With Land Use Applications”

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.

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

DATED: Pawling, New York
May 17, 2021
Jennifer Osborn, Village Clerk

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

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Earl Slocum	Aye
Trustee Gerald Locascio	Aye.

MOTION by Trustee Burweger to approve contract amendments to the October 9, 2019 contract with Municipal Solutions (dated March 15, 2021) and the new contract with Municipal Solutions (dated April 12, 2021). **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the annual MS4 Report. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to move ahead with the creation of a village seal. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve adjustment to Water Account No. 20007. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to approve the minutes from April 5, 2021, April 19, 2021 and May 3, 2021. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mayor Taylor reported 8 proposals were received for the Update of the Master Plan. She said the Board was reviewing them.

Mr. Dan Stone, a representative from The Chazen Companies, gave a presentation updating the water supply status (see attached).

MOTION by Trustee Peters to approve the Chamber of Commerce Assembly Permit application for its Annual Car Show June 6, 2021. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to adjourn the meeting and go into Public Comment at 8:38 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to return to regular session and go into Executive Session to discuss Personnel at 8:48 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to leave Executive Session at 9:15 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to return to regular session at 9:15 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to close the meeting at 9:15 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk