

**RESOLUTION OF SEQR DETERMINATION
FOR LOCAL LAW NO. ___ OF 2022**

At a meeting of the Village Board of Trustees of the Village of Pawling (“Village Board”), held at the Village of Pawling Village Hall on the 15th day of August, 2022, at 7:00 p.m., Village Mayor, Lauri Taylor called the meeting to order, and Trustee _____, seconded by Trustee _____, moved the following resolution, containing the findings and determination under the New York State Environmental Quality Review Act (“SEQRA”).

WHEREAS, the Village of Pawling Village Board (“Village Board”) has introduced and is considering the enactment of a Local Law which would amend the Village of Pawling Zoning Law to reduce maximum building height for Type I - Shopfront/Mixed Use buildings in the B-1 District from 4 floors to 3.5 floors; and

WHEREAS, the Village Board has prepared Part 1 of a Short Environmental Assessment Form (“EAF”), pursuant to the requirements of 6 NYCRR Part 617; and

WHEREAS, the Village has determined that enactment of this Local Law is an Unlisted Action under SEQRA; and

WHEREAS, the proposed Local Law has been referred to the Dutchess County Department of Planning and Development pursuant to New York General Municipal Law §239-m; and

WHEREAS, the Village Board has thoroughly reviewed and considered the Local Law; and

WHEREAS, the Village Board duly advertised, held and closed the public hearing on the Local Law during its meeting on _____, 2022; and

WHEREAS, the Village Board, after the close of the public hearing during the meeting on _____, 2022, conducted its SEQRA review by (1) considering the criteria contained in

subdivision (c) of 6 NYCRR §617.7 to identify any relevant areas of environmental concern, (2) thoroughly analyzing the identified relevant areas of environmental concern to determine if the action may have a significant adverse environmental impact and (3) completing Part 2 of the EAF and adopting Part 3 of the EAF, which included a narrative articulating the reasons supporting the Village Board's SEQRA determination; and

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby determines that the enactment of Local Law No. of 2022 is an Unlisted Action under SEQRA; and

BE IT FURTHER RESOLVED, that the Village Board shall serve as Lead Agency; and

BE IT FURTHER RESOLVED, that for the reasons set forth in Part 3 of the EAF, the enactment of the Local Law will result in no significant adverse impacts on the environment and, therefore, that an Environmental Impact Statement need not be prepared and a Negative Declaration therefore be issued.

The foregoing resolution was duly put to a vote which resulted as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Lauri Taylor	—	—	—
Trustee Daniel Peters	—	—	—
Trustee John Burweiger	—	—	—
Trustee Gerald Locascio	—	—	—
Trustee Tom Meyer	—	—	—
TOTAL	—	—	—

The resolution was thereupon duly adopted on _____, 2022.

DATED: Pawling, New York
 _____, 2022

 JENNIFER OSBORN, VILLAGE CLERK
 Village of Pawling

Short Environmental Assessment Form

Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Village of Pawling Board of Trustees adoption of Local Law No. ___ for the year 2022			
Name of Action or Project: Adopt Local Law No. ___ for the year 2022			
Project Location (describe, and attach a location map): Village of Pawling New York			
Brief Description of Proposed Action: Adopt Local Law No. ___ for the year 2022 amending Chapter 98 of the Village Code entitled "Zoning" to reduce maximum building height for Type I - Shopfront/Mixed Use buildings in the B-1 District.			
Name of Applicant or Sponsor: Board of Trustees, Village of Pawling, New York		Telephone: 845-855-1122 E-Mail: josborn@villageofpawling.org	
Address: 9 Memorial Avenue			
City/PO: Pawling		State: New York	Zip Code: 12564
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
			YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/>
			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action?		_____ n/a acres	
b. Total acreage to be physically disturbed?		_____ n/a acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ n/a acres	
4. Check all land uses that occur on, are adjoining or near the proposed action:			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify): n/a			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action, a. A permitted use under the zoning regulations? b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?		NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____		NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	NO	YES
	<input type="checkbox"/>	NO	YES
	<input type="checkbox"/>	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	NO	YES
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	NO	YES
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	NO	YES
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/>	NO	YES
	<input type="checkbox"/>	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	<input type="checkbox"/>	NO	YES
	<input type="checkbox"/>	NO	YES

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe:		

18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<input type="checkbox"/>	<input type="checkbox"/>

19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input type="checkbox"/>

20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:	<input type="checkbox"/>	<input type="checkbox"/>

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Lauri Taylor</u> Date: _____		
Signature: _____ Title: <u>Mayor</u>		

Addendum to Question 1 of Short Environmental Assessment Form Part 1

The purpose of this Local Law No. ____ for the year 2022 is to amend Chapter 98 of the Village Code entitled “Zoning” (“Chapter 98”) to reduce maximum building height for Type I - Shopfront/Mixed Use buildings in the B-1 District from 4 floors to 3.5 floors.

In 1994, the Village adopted a comprehensive plan pursuant to NY Village Law § 7-722 by enacting local law no 4 for the year 1994 (the “Adopted Plan”). One of the key objectives of the Adopted Plan is to reinforce and revitalize the Village Center as the central business district for the Village, the Town of Pawling and the Southeast Sector of Dutchess County with the downtown being the retail center for the Village. The Adopted Plan advocates that new buildings in the B-1 should be architecturally compatible with the best of the village center model, including the Dutcher House and some of the modest, older two-story retail buildings on Main Street.

As one means of achieving the above-described objective of architectural compatibility, the Adopted Plan advocates that the Village Zoning Law limit the height of Type I Shopfront Buildings in the B-1 Zone (“Type I Buildings”) to 3.5 floors. Local Law No. 1 for the year 2018 amended the Village Zoning Law to increase the maximum height of Type I Buildings from 3.5 to 4 floors. The Board finds that the objectives of the Adopted Plan will be best served by undoing such change in height and reverting to 3.5 floors as a maximum height for Type I Buildings.

The nature of this amendment is such that it will not affect any environmental resources.

Project: Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Project: _____

Date: _____

**Short Environmental Assessment Form
Part 3 Determination of Significance**

For every question in Part 2 that was answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

Board of Trustees of the Village of Pawling	
Name of Lead Agency	Date
Lauri Taylor	Mayor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

PRINT FORM

At a Meeting of the Village of Pawling Board of Trustees held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 15th day of August, 2022, at 7:00 PM

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Enact Local Law No. 7 for the year 2022 amending Chapter 98 of the Village Code entitled "Zoning" to reduce maximum building height for Type I - Shopfront/Mixed Use buildings in the B-1 District.

The meeting was called to order by Mayor Lauri Taylor and the following were:

P R E S E N T:

__ Mayor Lauri Taylor
__ Trustee Daniel Peters
__ Trustee John Burweger
__ Trustee Gerald Locascio
__ Trustee Thomas Meyer

Trustee _____ moved the following resolution, seconded by Trustee _____, to adopt Local Law No. 7 of 2022, amending Chapter 98 of the Village Code entitled "Zoning" to reduce maximum building height for Type I - Shopfront/Mixed Use buildings in the B-1 District ("Local Law").

WHEREAS, at the Board of Trustees meeting held on August 1, 2022, the Local Law was introduced and the Board set the public hearing on this Local Law

WHEREAS, pursuant to § 7-706 of the New York Village Law, at least ten (10) days notice of such public hearing was published in a paper of general circulation in the Village;

WHEREAS, a duly noticed public hearing was held on August 15, 2022 and interested parties were provided an opportunity to be heard;

WHEREAS, the Local Law has been referred to the Dutchess County Department of Planning and Development (DCDPD) pursuant to New York General Municipal Law § 239-m and the DCDPD has indicated that the adoption of this Local Law is a matter of local concern;

WHEREAS, the Board of Trustees has issued a Negative Declaration under SEQRA with respect to the Local Law;

WHEREAS, pursuant to § 7-706 of the New York Village Law, upon adoption of the proposed Local Law: (i) it shall be entered in the minutes of the Board of Trustees; (ii) a copy, summary or abstract thereof shall be published once in the Village's official newspaper; (iii) a copy of the Local Law shall be posted conspicuously at or near the main entrance to the office of the Village Clerk; and (iv) affidavits of the publication and posting thereof shall be filed with the Village Clerk;

NOW THEREFORE, be it resolved that the Board of Trustees of the Village of Pawling hereby adopts the following Local Law:

Local Law No. 7 for the year 2022 amending Chapter 98 of the Village Code entitled "Zoning" to reduce maximum building height for Type I - Shopfront/Mixed Use buildings in the B-1 District.

Purpose

The purpose of this Local Law No. 7 for the year 2022 is to amend Chapter 98 of the Village Code entitled "Zoning" ("Chapter 98") to reduce maximum building height for Type I - Shopfront/Mixed Use buildings in the B-1 District from 4 floors to 3.5 floors.

Background

WHEREAS, In 1994, the Village adopted a comprehensive plan pursuant to NY Village Law § 7-722 by enacting local law no. 4 for the year 1994 (the "Adopted Plan").

WHEREAS, One of the key objectives of the Adopted Plan is to reinforce and revitalize the Village Center as the central business district for the Village, the Town of Pawling and the Southeast Sector of Dutchess County with the downtown being the retail center for the Village;

WHEREAS, the Adopted Plan advocates that new buildings in the B-1 should be architecturally compatible with the best of the village center model, including the Dutcher House and some of the modest, older two-story retail buildings on Main Street;

WHEREAS, as one means of achieving the above-described objective of architectural compatibility, the Adopted Plan advocates that the Village Zoning Law limit the height of Type I Shopfront Buildings in the B-1 Zone (“Type I Buildings”) to 3.5 floors;

WHEREAS, Local Law No 1 for the year 2018 amended the Village Zoning Law to increase the maximum height of Type I Buildings from 3.5 to 4 floors;

WHEREAS, the Board finds that the objectives of the Adopted Plan will be best served by undoing such change in height and reverting to 3.5 floors as a maximum height for Type I Buildings;

NOW, THEREFORE,

1. The Urban Regulations contained in Schedule B of Chapter 98 of the Village Zoning Law are amended to provide that the maximum height of Type I - Shopfront/Mixed Use Buildings is 3.5 floors. Any provision to the contrary in Local Law No. 1 of 2018 is repealed.
2. In accord with Municipal Home Rule Law § 27(3), this Local Law shall be effective as of the date that it is filed with the Secretary of State.

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 Lauri Taylor	—	—	—
Trustee Daniel Peters	—	—	—
Trustee John Burweger	—	—	—
Trustee Gerald Locascio	—	—	—
Trustee Thomas Meyer	—	—	—
TOTAL	—	—	—

I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Board of Trustees at a meeting held on _____, 2022.

Date: _____, 2022

Jennifer Osborn, Village Clerk

At a Meeting of the Village of Pawling Board of Trustees held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the ____ day of August, 2022, at 7:00 PM

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Local Law No. ____ for the year 2022 to repeal Chapter 58-A of the Code of the Village of Pawling entitled “Peddling and Soliciting” and enact a new Chapter 58-A entitled “Peddling and Soliciting,”

The meeting was called to order by Mayor Lauri Taylor and the following were:

P R E S E N T:

- __ Mayor Lauri Taylor
- __ Trustee Daniel Peters
- __ Trustee John Burweger
- __ Trustee Gerald Locascio
- __ Trustee Thomas Meyer

Trustee _____ moved the following resolution, seconded by Trustee _____, to introduce and set a date for the public hearing on the following proposed local law:

Local Law No. ____ for the year 2022 to repeal Chapter 58-A of the Code of the Village of Pawling entitled “Peddling and Soliciting” and enact a new Chapter 58-A entitled “Peddling and Soliciting

**Chapter 58-A
Peddling and Soliciting**

**Article I
General Provisions**

§ 58-1. Purpose.

The purpose of this Chapter shall be to improve and promote the health, safety and general welfare of the community, and to preserve and protect the property of the Village and its inhabitants, by appropriate regulation of peddling and soliciting.

§ 58-2. Definitions.

As used in this Chapter the following terms shall have the meanings indicated (irrespective of whether such term begins with a capital letter):

APPLICANT - Any natural person who applies for and/or has been issued a permit.

APPROVING OFFICIAL - the Mayor or, as may be designated by the Mayor from time to time, the Clerk, another Village Officer or the Board.¹

BOARD - The Board of Trustees of the Village.

CHAPTER - This Chapter 58-A of the Village Code.

CLERK - The Village Clerk for the Village.

DISABLED VETERAN - Any honorably discharged member of the armed forces of the United States who (1) was honorably discharged from such service, or (2) has a qualifying condition, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, or (3) is a discharged LGBT veteran, as defined in section three hundred fifty of the executive law, and has received a discharge other than bad conduct or dishonorable from such service, and who is physically disabled as a result of injuries received while in the service of said armed forces.

DUTCHESS COUNTY VETERAN'S LICENSE - A license issued by the Dutchess County Clerk to a former member of the armed forces who has qualified for such license pursuant to NY General Business Law § 32.

ENTITY APPLICANT - as defined § 58-4.C.

ENTITY REPRESENTATIVE - as defined in § 58-4.C.

EXEMPT ORGANIZATION - An organization which is exempt from tax pursuant to Section 501(c)(3) of the Internal Revenue Code, including any such organization which has received such exemption based on it being organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes and meeting other applicable criteria under the Internal Revenue Code.

EXEMPT SOLICITING – Any soliciting by any individual or entity upon public or private property in the Village for the purpose of any one or more of the following:

- (i) soliciting contributions or support for the purposes and/or activities of an exempt organization;
- (ii) distributing pamphlets and/or other written materials of any kind on behalf of an exempt organization;

¹ Under N.Y. Village Law § 4-400 (1)(m) it is the responsibility of the mayor to issue all licenses and for such purpose shall be the "licensing officer" unless he designates another village officer which designation shall be filed with the village clerk. See, also 1983 N.Y. Op. Atty. Gen. (Inf.) 1116 (N.Y.A.G.), 1983 WL 167417(the mayor can designate the board of trustees as the licensing officers to issue certain permits).

- (iii) proselytizing on behalf of an exempt organization which is organized and operated exclusively for religious purposes;
- (iv) participating in (including the publishing or distributing of written materials) any political campaign on behalf of (or in opposition to) any candidate for public office or with respect to any issue which may involve a vote or other decision making by any federal, state or local government entity or agency;

provided, however, exempt soliciting shall not include (i) peddling on behalf of an exempt organization or (ii) the use of a public area for any of the activities described in sections (i) through (iv) of this definition, if such peddling or use of public area, as the case may be, described in includes the location and/ or use upon such public area of any fixture.

FIXTURE-any booth, tent, stand, stall, kiosk, enclosure, tent, easel, tripod, table, chair, mount, parked or stationary vehicle or cart, placard, fixed signage, musical instruments, microphones, speakers or other amplification equipment;

GAZEBO – the gazebo located on the Village Green.

MAYOR - The Mayor of the Village.

P&S PERMIT – A permit issued for Peddling and Soliciting as described in §58-3

PEDDLER - Any person who engages in Peddling.

PEDDLING - The selling or offering for sale of any goods, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets, roads or highways or from house to house, building to building or lot to lot within the Village.

PERMIT - A permit issued pursuant to this Chapter.

PERMIT TERM - The time period beginning on the date a permit issued pursuant to this Chapter and ending on the expiration date or earlier revocation of such permit, as the case may be.

PERSON - Any natural person, association, partnership, firm or corporation.

PUBLIC AREA -

A. Any street, avenue, sidewalk, alley, lane, park or other areas herein or hereafter designated as a public area or area open to the public by the Board of Trustees acting by resolution or local law.

B. Without limiting the generality of paragraph A of this definition, public areas shall be deemed to include without limitation:

- (i) the Village Green;
- (ii) the War Memorial;

- (iii) all entryways to the Village from Route 22 and Route 55;
- (iv) the Metro North parking lot; and
- (v) the road leading from Main Street to the east side of the Village Hall and the associated parking lot.

SIDEWALK - Any area or way set aside or open to the general public for pedestrian traffic, whether or not it is paved.

SOLICITING - Any of the following activities:

A. The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery upon any of the streets, roads or highways or from house to house, building to building or lot to lot within the Village;

B. Any soliciting by any person upon public or private property in the Village for the purpose of any one or more of the following:

- (i) soliciting contributions or support for the purposes and/or activities of any person other than an exempt organization;
- (ii) distributing pamphlets and/or other written materials of any kind on behalf of any person other than an exempt organization.

C. For the avoidance of doubt, any provision of this local law which regulates, references or pertains to “soliciting or “exempt soliciting” shall, as the case may be, also be deemed to regulate, reference or pertain to “solicitation” or “exempt solicitation”, as the case may be, and vice versa.

STREET - Any public street, roadway or highway within the Village of Pawling.

TEMPORARY RESTRICTED AREA - As defined in § 58-6.F(2).

VILLAGE - The Village of Pawling.

VILLAGE GREEN- the Village Green located adjacent to the railroad tracks and Charles Colman Boulevard;

WAR MEMORIAL AREA – the war memorial located at the south end of the Village Green, including the surrounding brick paved area and benches;

§ 58-3. Permit Required for Soliciting and Peddling

A. Except as otherwise expressly provided herein, no person shall engage in Soliciting or Peddling within the Village without procuring a P&S permit from the Village Clerk.

B. Notwithstanding anything contained herein to the contrary, a P&S permit shall not be

required for the following:

(1) Peddling or Soliciting which is conducted in any public area without the use of any vehicle other than a hand driven vehicle by a Disabled Veteran who is the holder of a current Dutchess County Veteran's License;

(2) Peddling in a fixed location by any individual or entity while participating as an approved vendor in a farmer's market organized and operated by an exempt organization which has received approval from an Approving Official to operate such farmer's market within the Village;

(3) any individual under the age of eighteen (18) years old engaged in Peddling exclusively on behalf of an exempt organization so long as such peddling by an exempt organization within the Village utilizing one or more such individuals does not occur more than seven (7) days in any given calendar year;

(4) any individual under the age of eighteen (18) years old engaged in Peddling exclusively as part of a public or private school club or activity, so long as such peddling for any given club or activity does not occur more than seven (7) days in any given calendar year;

(5) any exempt soliciting.

§ 58-4. Application for P&S Permit.

A. No P&S Permit shall be issued until an application has first been filed with the Village Clerk by the person seeking the same.

B. The application for a P&S permit shall require the applicant to set forth his name, address, his sex, his age; the type or types of article, device, subscription, contribution, service or contract which he desires to sell or for which he desires to solicit within the Village; the name and address of the applicant's employer or sponsor, if any; the length of time for which he wishes the P&S permit to be issued, not exceeding sixty (60) days; the type of vehicle he uses, if any, and its registration number; a description of any fixtures to be used by the applicant; two full faced photographs of the applicant taken within the thirty (30) day period immediately preceding the date of the application and measuring at least 2 x 2 inches; if the application is for a license to handle food in any form, a valid permit issued by the Dutchess County Health Department indicating compliance with the provisions of the Dutchess County Public Health Regulations; if the application involves the use of a vehicle, proof that the applicant holds a valid New York State driver's license; proof that the applicant holds a New York State sales tax certificate of authority, including the applicant's sales tax identification number.

C. If the applicant is not a natural person ("Entity Applicant"), then the applicant must designate a single individual who will be entitled to utilize the permit during the Permit term ("Entity Representative") and such Entity Representative and Entity Applicant shall be required to meet all requirements and conditions imposed upon an individual applicant hereunder in connection with application for and utilization of a permit. Such permit shall be issued in the name of both the Entity Representative and the Entity Application and the Entity Representative and Entity Applicant shall be jointly and severally liable to the Village for any costs, claims, damages, suits liabilities and expenses,

including reasonable attorneys fees, for which an applicant may be responsible hereunder.

D. Each applicant for a P&S Permit must obtain and provide the Village with a current suppressed criminal history record by submitting the applicant's fingerprints to the Division of Criminal Justice Services (DCJS) in the form and manner as prescribed by DCJS. See, <https://www.criminaljustice.ny.gov/ojis/recordreview.htm>

E. Such application shall be referred to the Approving Official for review and approval, approval with conditions or disapproval.

F. The Approving Official shall review the criminal history record information (CHRI) disseminated by DCJS in connection with the applicant's criminal background and investigation. An applicant shall be disqualified from being issued a P&S permit if the applicant has been convicted of one or more criminal offenses and the Approving Official determines, that either: (1) there is a direct relationship between one or more of the previous criminal offenses and the issuance of the P&S permit or (2) the issuance of the P&S Permit would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. In making such determination the Approving Official shall consider the factors specified in NY Corrections Law §753.

G. An applicant who is not disqualified pursuant to this § 58-4, and who meets all other terms and conditions specified in this Chapter, shall be issued a P&S permit.

§ 58-5. Fees; Bond.

A. Except as expressly provided herein, no P&S permit shall be issued under this Chapter unless and until the applicant has complied with each of the following conditions:

(1) The applicant has paid a fee to the Village in the amount of \$200.

(2) The applicant has provided a bond approved by the Board in form and surety in the amount of \$5,000, to secure the Village from and against any and all losses, costs, claims, suits, damages, liabilities and expenses, including reasonable attorney's fees arising from the applicant's activities in connection with the P&S permit. This provision shall not be deemed to limit the liability of an applicant to the Village or any third party pursuant to any provision of this Chapter, at law or in equity.

B. The Board shall have the right to amend or alter any one or more of the following from time to time by resolution of the Board:

(1) The amount of fees payable by applicants hereunder;

(2) The amount or type of the bond required to be posted by applicant;

(3) Any action taken or determination made by a Approving Official pursuant to this Chapter 58-A;

(4) The time period that a P&S permit is in effect;

(5) The location and days and hours of operation of any applicant holding a P&S permit or of any other Peddling, Soliciting or exempt soliciting.

C. Notwithstanding the foregoing to the contrary, an applicant who is a former member of the armed services who at the time of applicant for the P&S permit is qualified for and holds a current Dutchess County Veteran's License shall not be required to pay the fee or post the bond otherwise required under this § 58-5.

§ 58-6. Permit Conditions and Restrictions on Peddling, Soliciting and Exempt Soliciting.

A. A P&S permit issued hereunder shall only be valid all days between 9:00 a.m. and sundown from the date of issuance for a period of sixty (60) days thereafter.

B. A P&S permit shall apply only to a single applicant and such P&S permit shall not be transferable to any other person.

C. Each applicant who has been issued a P&S permit shall at all times while engaged in Soliciting and Peddling within the Village, carry the P&S permit upon his person and shall exhibit the same upon request to all persons solicited and to any sheriff or other police officer then located within the Village.

D. No applicant or other person shall engage in exempt soliciting, any other soliciting or any peddling in the Village in a manner that would violate any parking or standing laws or regulations or that would create traffic congestion or otherwise interfere with the public access to, safe passage through, or use of any Village sidewalk or street.

E. No applicant or other person shall use any fixtures for exempt soliciting or for any other soliciting or peddling unless such fixture is listed on the applicant's P&S permit application and approved by the Village at the time of issuance of the P&S permit; ;

F. Unless the Village otherwise consents in writing, no applicant or other person shall engage in exempt soliciting, other Soliciting or Peddling, any musical or other public performance or any assembly of more than six (6) persons:

(1) Within ten (10) feet of any entryway to a business without the written consent of the owner of the applicable business, within ten (10) feet of any entryway to a residential building other than a single family residence without the written consent of the owner of the applicable residence or within fifty (50) feet of any entryway to any single family residence without the written consent of the owner of such residence; provided, however, that this provision shall not apply to door to door peddling, door to door soliciting or door to door exempt soliciting which is otherwise permitted hereunder;

(2) Within fifteen (15) feet of the nearest boundary of any Temporary Restricted Area. "Temporary Restricted Area" means any public area within the Village which (i) in square feet is no larger than the square footage of the Village Green and (ii) is being used for an event or activity for which a UPF Permit has been issued pursuant to § 59-10 of Chapter 59 of the Village Code entitled "Parades, Public Assemblies and Use of Public Areas"

(3) On or within ten (10) feet of any of the following: (i) the war memorial area; (ii) the chamber of commerce building on Charles Colman Boulevard and (iii) the gazebo;

G. No person engaged in Soliciting or Peddling shall:

(1) make noise through the use of any loudspeaker, horn or any other amplification device or engage in any other activity which disturbs the peace;

(2) enter private property or place of business in the Village for the purpose of Peddling or Soliciting after the owner or occupant thereof shall have requested the applicant to leave, or if the residence or place of business is displaying a sign stating "no soliciting" or words of similar effect.

§ 58-7. Discrimination Prohibited.

The Approving Official shall not discriminate in granting, denying, revocation or suspending any permit under this Chapter based on speech content, political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

§ 58-8. Village Clerk records.

The Village Clerk shall keep a record listing the names and numbers of persons to whom permits have been issued, the date of issuance thereof and the expiration date of each permit.

§ 58-9. Appeal

A. An applicant who is denied the issuance of a permit hereunder by an Approving Official or whose permit is revoked or suspended by an Approving Official shall have the right to appeal such denial to the Board at any regular meeting of the Board following such denial, revocation or suspension as the case may be. Such right of appeal shall expire if not exercised within 45 days after such denial, revocation or suspension, as the case may be. In the event of a timely appeal, the Board shall issue a decision to the applicant within fifteen (15) days which either upholds, overturns or modifies such denial, revocation or suspension

§ 58-10. Revocation and Suspension, Cancellation. .

A. Any permit issued under this Chapter may be suspended or revoked by any Authorized Official for "Good Cause". Each of the following shall be deemed "Good Cause":

(1) The applicant violates one or more terms and conditions applicable to the permit;

(2) The applicant has committed one or more crimes prior to or during the permit Term and the Board finds that: (i) there is a direct relationship between one or more such crimes and the activities engaged in by the applicant pursuant to the permit or (ii) the applicant's activities related to the permit would involve an unreasonable risk to property or to the safety or welfare of specific

individuals or the general public;

(3) The applicant engaged in fraud or bribery in securing the permit;

(4) The applicant is determined to have made one or more false statements as to a material matter in any application for a permit or other statement required by or pursuant to this Chapter.

B. Any permit issued under this Chapter may be cancelled based on events occurring after issuance of the permit which create the risk of damage to property or injury to persons, including without limitation inclement weather, pandemic or other exigent circumstances.

§ 58-11. Penalties; Severability.

Any person committing an offense against any provision of this chapter shall, upon conviction thereof, be guilty of a violation, punishable by a fine of at least \$500, but not exceeding \$2,000, or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this Chapter shall constitute, for each day the offense is continued, a separate and distinct violation hereunder.

§ 58-12. Invalidity, Severability.

In the event that any provision(s) of this Chapter shall be deemed invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to such provision(s) and the other provisions of this Chapter shall remain in full force and effect. Further, in the event that a court determines that any time, place and manner restriction or requirement is deemed invalid, the court shall be authorized to reduce such restriction or requirement, as the case may be, if doing so would render such provision valid.

§ 58-13. Repeal of Chapter 58 and Local Law No. 6 for the year 2022.

A. Chapter 58 of the Code of the Village of Pawling entitled "Peddling and Soliciting" is hereby repealed in its entirety.

B. Local Law No. 6 for the year 2022 is hereby repealed in its entirety.

§ 58-14. When effective.

A. In accord with Municipal Home Rule Law §27(3), this Chapter shall be effective as of the date that it is filed with the Secretary of State.

B. 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 _____ has introduced the following proposed local law for the Village

of Pawling: Local Law No. ____ for the year 2022 to repeal Chapter 58-A of the Code of the Village of Pawling entitled “Peddling and Soliciting” and enact a new Chapter 58-A entitled “Peddling and Soliciting”

BE IT RESOLVED, that a public hearing be held in relation to the proposed Local Law 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 _____ 2022 at 7 o’clock p.m., 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 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 _____ 2022, at 7 o’clock p.m., on proposed local law identified as:

Local Law No. ____ for the year 2022 to repeal Chapter 58-A of the Code of the Village of Pawling entitled “Peddling and Soliciting” and enact a new Chapter 58-A entitled “Peddling and Soliciting”

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 and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Pawling, New York
August ____, 2022

JENNIFER OSBORN, VILLAGE CLERK

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 Lauri Taylor	—	—	—
Trustee Daniel Peters	—	—	—
Trustee John Burweger	—	—	—
Trustee Gerald Locascio	—	—	—
Trustee Thomas Meyer	—	—	—
TOTAL	—	—	—

I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Board of Trustees at a meeting held on _____, 2022.

Date: August ____, 2022

Jennifer Osborn, Village Clerk

At a Meeting of the Village of Pawling Board of Trustees held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the ____ day of August, 2022, at 7:00 PM

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Local Law No. ____ for the year 2022 to enact a new Chapter 59 entitled “Parades, Public Assemblies and Use of Public Areas”

The meeting was called to order by Mayor Lauri Taylor and the following were:

P R E S E N T:

- __ Mayor Lauri Taylor
- __ Trustee Daniel Peters
- __ Trustee John Burweger
- __ Trustee Gerald Locascio
- __ Trustee Thomas Meyer

Trustee _____ moved the following resolution, seconded by Trustee _____, to introduce and set a date for the public hearing on the following proposed local law:

Local Law No. ____ for the year 2022 to enact a new Chapter 59 entitled “Parades, Public Assemblies and Use of Public Areas”

**Chapter 59
Parades, Public Assemblies and Use of Public Facilities**

**Article I
General Provisions**

59.1 Purpose.

The purpose of this Chapter shall be to protect the rights of all citizens under the 1st Amendment to the U.S. Constitution,¹ to improve and promote the health, safety and general welfare of the community, and to preserve and protect the property of the Village and its inhabitants, by appropriate regulation of parades, public assemblies and use of public areas in the Village.

59.2 Definitions.

As used in this Chapter the following terms shall have the meanings indicated (irrespective of whether such term begins with a capital letter):

APPLICANT - Any natural person who applies for and/or has been issued a permit.

¹ The U.S. Supreme Court has approved reasonable nondiscriminatory regulation by governmental authority that preserves peace, order and tranquility without deprivation of the First Amendment guarantees of free speech, press and the exercise of religion.” See *Urlaub v. Incorporated Village of Bellport*, 498 F.Supp.2d 614, 618 (E.D.N.Y.,2007)

ASSEMBLY PERMIT – as defined in §59.3

BOARD - The Board of Trustees of the Village.

CHAPTER - This Chapter 59 of the Village Code.

CLERK - The Village Clerk for the Village.

EXEMPT ORGANIZATION - An organization which is exempt from tax pursuant to Section 501(c)(3) of the Internal Revenue Code, including any such organization which has received such exemption based on it being organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes and meeting other applicable criteria under the Internal Revenue Code.

EXEMPT SOLICITING – Any soliciting by any individual or entity upon public or private property in the Village for the purpose of any one or more of the following:

- (i) soliciting contributions or support for the purposes and/or activities of an exempt organization;
- (ii) distributing pamphlets and/or other written materials of any kind on behalf of an exempt organization;
- (iii) proselytizing on behalf of an exempt organization which is organized and operated exclusively for religious purposes;
- (iv) participating in (including the publishing or distributing of written materials) any political campaign on behalf of (or in opposition to) any candidate for public office or with respect to any issue which may involve a vote or other decision making by any federal, state or local government entity or agency;

provided, however, exempt soliciting shall not include (i) peddling on behalf of an exempt organization or (ii) the use of a public area for any of the activities described in sections (i) through (iv) of this definition if such activities include the location and/ or use upon such public area of any fixture.

FIXTURE-any booth, tent, stand, stall, kiosk, enclosure, tent, easel, tripod, table, chair, mount, parked or stationary vehicle or cart, placard, fixed signage, musical instruments, microphones, speakers or other amplification equipment;

GAZEBO – the gazebo located on the Village Green.

MAYOR - The Mayor of the Village.

OTHER ASSEMBLY- A gathering of at ten (10) or more persons in a public area.

PARADE – as defined in § 59.3

PERMIT - A permit issued pursuant to this Chapter.

PERMIT TERM - The time period beginning on the date a permit issued pursuant to this Chapter and ending on the expiration date or earlier revocation of such permit, as the case may be.

PERSON - Any natural person, association, partnership, firm or corporation.

PUBLIC AREA –

A. Any street, avenue, sidewalk, alley, lane, park or other areas herein or hereafter designated as a public area or area open to the public by the Board of Trustees acting by resolution or local law.

B. Without limiting the generality of paragraph A of this definition, public areas shall be deemed to include without limitation:

- (i) the Village Green;
- (ii) the War Memorial;
- (iii) all entryways to the Village from Route 22 and Route 55;
- (iv) the Metro North parking lot; and
- (v) the road leading from Main Street to the east side of the Village Hall and the associated parking lot.

PUBLIC ASSEMBLY – as defined in § 59.3

SIDEWALK - Any area or way set aside or open to the general public for pedestrian traffic, whether or not it is paved.

SOLICITING - Any of the following activities:

A. The seeking or taking of contracts or orders for any goods, wares or merchandise for future delivery upon any of the streets, roads or highways or from house to house, building to building or lot to lot within the Village;

B. Any soliciting by any person upon public or private property in the Village for the purpose of any one or more of the following:

- (i) soliciting contributions or support for the purposes and/or activities of any person other than an exempt organization;
- (ii) distributing pamphlets and/or other written materials of any kind on behalf of any person other than an exempt organization.

C. For the avoidance of doubt, any provision of this local law which regulates, references or pertains to “soliciting or “exempt soliciting” shall, as the case may be, also be deemed to regulate, reference or pertain to “solicitation” or “exempt solicitation”, as the case may be, and vice versa.

STREET - Any public street, roadway or highway within the Village of Pawling.

UPF Permit – as defined in § 59.6

VILLAGE - The Village of Pawling.

VILLAGE GREEN- the Village Green located adjacent to the railroad tracks and Charles Colman Boulevard;

WAR MEMORIAL AREA – the war memorial located at the south end of the Village Green, including the surrounding brick paved area and benches;

59.3 Permit Required for Parades and Public Assembly

A. Except as otherwise expressly provided herein, no person shall hold or engage in a parade or public assembly without procuring an assembly permit (“Assembly Permit”) from the Village.

PARADE – means any march, procession or other similar activity involving at least 25 persons and consisting of persons, animals or vehicles, or a combination thereof, having a common purpose, design, destination or goal, upon any public street, sidewalk, park, alley or other public place, which does not comply with normal and usual traffic and/or pedestrian regulation or control.

PUBLIC ASSEMBLY – A gathering of at least 25 persons in a public area which is reasonably anticipated to obstruct the normal flow of traffic upon a village street or otherwise significantly interfere with the use of such public area by the general public.

59.4 Application for Assembly Permit

A. Application. A person seeking the issuance of an Assembly Permit under this chapter shall file an application with the Village Clerk not less than fifteen (15) days nor more than six months before the date upon which the parade and/or public assembly is proposed to be conducted; provided, however, however, the Board where the Mayor determines good cause is shown therefor, may consider an application which is filed less than fifteen (15) days before such parade or public assembly is proposed to be conducted. Good cause may include, but not be limited to, spontaneous parades or public assemblies in response to recent events, without consideration given to the message to be disseminated.

B. Contents. The application for an Assembly Permit shall set forth the following information:

(1) The name, address and telephone number of the person seeking to conduct the parade or public assembly and who will be responsible for any communications with the Village with respect to such Assembly Permit;

(2) If the parade or public assembly is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization,

and of the authorized and responsible heads of the organization;

- (3) The date when the parade or public assembly is to be conducted;
- (4) The proposed route to be traveled, the starting point and the termination point;
- (5) The approximate number of persons who, and the animals and vehicles which, will constitute the parade or public assembly; including a description of any sound amplification equipment to be used;
- (6) The starting and ending times for the parade or public assembly;
- (7) The location of any assembly and disbanding areas for the parade or public assembly;
- (8) The approximate number of spectators;
- (9) A description of any public areas proposed to be utilized;
- (10) Whether or not alcoholic beverages will be served or consumed in any public area; and
- (11) If the applicant or associated organization maintains a liability policy in its customary and usual course of business, proof of such insurance in the form of a certificate of insurance naming the Village as an additional insured.

C. Action on application. The Board shall act upon the application for an Assembly Permit at its next regular meeting which is scheduled to be held after the 5th day following the filing of such application;

D. The Board shall issue an Assembly Permit when, from a consideration of the application and from any other information as may otherwise be obtained, the Board finds that:

- (1) the conduct of the parade or public assembly, as the case may be will not substantially interrupt the safe and orderly movement of other traffic, both vehicular and pedestrian, contiguous to its route or areas of assembly, as the case may be, or, if the activity will substantially interfere with such traffic, there are available at the time of the proposed activity sufficient resources to mitigate the disruption so as to avoid material harm to persons or damage or destruction of property;
- (2) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection and ambulance service within the Village;
- (3) The manner in which the parade or public assembly will be conducted is not reasonably likely to cause injury to persons or property;
- (4) The conduct of the parade or public assembly will not interfere or conflict with any other parade, public assembly or use of public facilities for which an Assembly Permit or UPF

permit has been issued.

E. Contents of the parade or public Assembly Permit. Each Assembly Permit shall state the following information:

- (1) The starting and ending times for the parade or public assembly;
- (2) What portions of the streets to be traversed or public areas may be occupied by the parade or public assembly;
- (3) The assembly areas and the disbanding areas;
- (4) Any other information or conditions that the Board shall find reasonably necessary for the protection of persons or property.

59.5 Denial of Permit.

If an Assembly Permit is denied, the Board shall give notice of such denial to the applicant. Such notice of denial shall include the reasons for such denial and, if applicable, shall propose an alternative time and place within the Village for such parade or public assembly.

59.6 Permit Required for Certain Use of Public Areas.

A. A Use of Public Facilities permit (“UPF permit”) shall be required for any of the following:

- (1) use of the gazebo, chamber of commerce building or war memorial area for any public assembly, other assembly, exempt soliciting or any musical or other public performance;
- (2) use of any public area for exempt soliciting involving the use of a fixture;

B. Application for UPF Permit. A person seeking the issuance of a UPF permit shall file with the Village Clerk an application not less than sixty (60) days nor more than six months before the date upon which the applicable use is proposed to be conducted. Such time frames may be modified for a given application at the discretion of the Board if the Board determines that good cause is shown to warrant a modification of such time frame.

C. Contents. The application for a UPF permit shall include:

- (1) the name, address, telephone number and email of the applicant;
- (2) if the use is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of the organization;
- (3) the public purpose(s) of the proposed use;
- (4) whether the Applicant is an exempt organization;

- (5) the date and times when use of public facilities is to be conducted;
- (6) the public area proposed to be used;
- (7) any fixtures to be used;
- (8) whether amplified sound will be used;
- (9) Whether there will be any lighting or other illumination;
- (10) whether it is proposed that electric power be provided;
- (11) any provisions to be made for sanitary facilities;
- (12) provisions to be made to handle litter and refuse;
- (13) the approximate number of persons expected in connection with such use, including, as the case may be, vendors, customers, performers, speakers and spectators;
- (14) whether or not alcoholic beverages will be served or consumed in connection with such use;
- (15) Whether or not food will be served;
- (16) An insurance certificate showing that the applicant is covered by comprehensive general liability insurance with such coverage limits and policy terms as are required by the Board and naming the Village as an additional insured. If alcoholic beverages are to be served the applicant shall also furnish an insurance certificate showing coverage for host liquor liability;
- (17) Any other permits required from other state or county agencies;
- (18) any and all such additional information as the Board deems reasonably necessary for the protection of persons and property;

D. The Board shall have the right to adopt and amend from time to time policies and procedures reasonably required to implement this Chapter, including without limitation a form of application, specification of any insurance requirements and form of indemnification to be signed by the applicant.

E. The Board shall issue a UPF assembly permit when, from a consideration of the application and from any other information as may otherwise be obtained, the Board finds that:

1. The issuance of such UPF permit will promote a public purpose;
2. the use will not interfere or conflict with any other parade, public assembly or use of public area for which (i) a permit has been issued or (ii) is expected to be issued to

another applicant because of such other applicant's past use of the given public area during the requested date and time;

3. There is no reasonable cause to find that such use will substantially interrupt the safe and orderly movement of traffic, both vehicular and pedestrian, or there will be available at the time of the proposed use sufficient resources to reasonably mitigate such interruption;
4. There is no reasonable cause to find that such use will (i) endanger the public health, safety and welfare, (ii) create a material risk of injury to persons or damage or destruction of property or (iii) create a material interference with proper fire and ambulance service within the Village;
5. adequate sanitary facilities are available or will be provided to accommodate the proposed use;

F. If more than one applicant applies for a UPF permit for the same public area during an overlapping time and date, the Board may in its discretion select which person or organization will receive such UPF permit for such public area at such date and time based on the Board's determination as to which use will provide the greater public benefit to the Village and its residents. However, this provision shall not be applied to revoke a UPF permit which has already been issued to a given applicant.

G. The Board shall have the right from time to time, to establish fees to be paid by applicants in connection with the issuance of UPF permits, with such fees to be established based on the Board's determination as to reasonable and necessary costs which are likely to be incurred by the Village in connection with (i) the issuance and administration of such UPF permit and (ii) such use of public areas, including without limitation any costs related to electric power used by the applicant and any costs for police, fire, ambulance and/or clean up services directly related to such UPF permit.

H. The Board shall have the right to require the applicant, as a condition to the issuance of the UPF permit, to provide the Village with a bond in form and surety acceptable to the Board, in the amount of \$5,000 or such other amount as may be determined by resolution of the Board from time to time, to secure the Village from and against any and all losses, costs, claims, suits, damages, liabilities and expenses, including reasonable attorney's fees arising from the applicant's activities in connection with the UPF Permit. This provision shall not be deemed to limit the liability of an applicant to the Village or any third party pursuant to any provision of this Chapter, at law or in equity.

I. Contents of the UPF Permit. Each UPF permit shall state the following information:

- (1) The starting and ending times for the give use;
- (2) The public area to be used;
- (3) Whether alcoholic beverages may be served or consumed;
- (4) Any bond which may be required;

(5) Requirements if any, applicable to parking and/or avoiding or minimizing traffic disruptions, including disruptions caused by loading and unloading equipment and supplies;

(6) Any other information or conditions that the Board shall find reasonably necessary for the protection of persons or property.
Applicants for a UPF permit are responsible for all direct costs associated with the event, including but not limited to, clean-up and trash removal. The applicant shall return the public area used by the applicant to the condition it was in prior to such use. The applicant will be billed by the Village for any damages incurred beyond normal wear and tear.

59.7 Indemnification.

Each applicant for an Assembly Permit or UPF permit, as the case may be, shall execute an agreement, in a form satisfactory to the Board, indemnifying, defending and holding harmless the Village, its trustees, officers, employees, attorneys and agent, from any and all suits, claims, liability and expenses, including reasonable attorney's fees, arising or resulting from the issuance of such permit, including without limitation, any action or omissions, active or passive, by the applicant or any participants in connection with such permit; provided however, that this provisions shall not apply to any gross negligence or illegal conduct by the Village.

59.8 Discrimination Prohibited.

The Board shall not discriminate in granting, denying, revocation or suspending any permit under this Chapter based on speech content, political, religious, ethnic, race, disability, sexual orientation or gender related grounds.

59.9 Village Clerk records.

The Village Clerk shall keep a record listing the names and numbers of persons to whom permits have been issued, the date of issuance thereof and the expiration date of each permit.

59.10 Revocation and Suspension, Cancellation.

A. Any permit issued under this Chapter may be suspended or revoked by any Authorized Official for "Good Cause". Each of the following shall be deemed "Good Cause":

(1) The applicant violates one or more terms and conditions applicable to the permit;

(2) The applicant has committed one or more crimes prior to or during the permit Term and the Board finds that: (i) there is a direct relationship between one or more such crimes and the activities engaged in by the applicant pursuant to the permit or (ii) the applicant's activities related to the permit would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public;

(3) The applicant engaged in fraud or bribery in securing the permit;

(4) The applicant is determined to have made one or more false statements as to a material matter in any application for a permit or other statement required by or pursuant to this

Chapter.

B. Any permit issued under this Chapter may be cancelled based on events occurring after issuance of the permit which create the risk of damage to property or injury to persons, including without limitation inclement weather, pandemic or other exigent circumstances.

59.11 Penalties; Severability.

Any person committing an offense against any provision of this Chapter shall, upon conviction thereof, be guilty of a violation, punishable by a fine of at least \$500, but not exceeding \$2,000, or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this Chapter shall constitute, for each day the offense is continued, a separate and distinct violation hereunder.

59.12 Invalidity, Severability.

In the event that any provision(s) of this Chapter shall be deemed invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to such provision(s) and the other provisions of this Chapter shall remain in full force and effect. Further, in the event that a court determines that any time, place and manner restriction or requirement is deemed invalid, the court shall be authorized to reduce such restriction or requirement, as the case may be, if doing so would render such provision valid.

59.13 Nothing contained herein shall be deemed to prohibit the Board from adopting and enforcing other policies from time to time with respect to the use of the gazebo, the Village Green, the war memorial and other public areas as the Board may deem necessary to protect the public, health, safety and welfare.

59.14 The Village Green and Public Assembly Events Policy adopted by the Board on June 2, 2014 is hereby repealed.

59.15 In the event that a UPF permit issued hereunder permits the possession and/or consumption of alcoholic beverages, a permit shall not be required for such possession and/or consumption under §6-3 of Chapter 6 of the Code (“Alcoholic Beverages”).

59.16 When effective. In accord with Municipal Home Rule Law §27(3), this Chapter shall be effective as of the date that it is filed with the Secretary of State.

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 _____ has introduced the following proposed local law for the Village of Pawling: Local Law No. ____ for the year 2022 to enact a new Chapter 59 entitled “Parades, Public Assemblies and Use of Public Areas”

BE IT RESOLVED, that a public hearing be held in relation to the proposed Local Law 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 _____ 2022 at 7 o'clock p.m., 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 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 _____ 2022, at 7 o'clock p.m., on proposed local law identified as:

Local Law No. ____ for the year 2022 to enact a new Chapter 59 entitled "Parades, Public Assemblies and Use of Public Areas"

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 and citizens shall have an opportunity to be heard on said proposal at the time and place aforesaid.

DATED: Pawling, New York
August ____, 2022

JENNIFER OSBORN, VILLAGE CLERK

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 Lauri Taylor	—	—	—
Trustee Daniel Peters	—	—	—
Trustee John Burweger	—	—	—

Trustee Gerald Locascio	—	—	—
Trustee Thomas Meyer	—	—	—
TOTAL	—	—	—

I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Board of Trustees at a meeting held on _____, 2022.

Date: August ____, 2022

Jennifer Osborn, Village Clerk

**RESOLUTION OF SEQR
DETERMINATION FOR LOCAL LAW
NO. ___ OF 2022**

At a meeting of the Village Board of Trustees of the Village of Pawling (“Village Board”), held at the Village of Pawling Village Hall on the 15th day of August, 2022, at 7:00 p.m., Village Mayor, Lauri Taylor called the meeting to order, and Trustee _____, seconded by Trustee _____, moved the following resolution, containing the findings and determination under the New York State Environmental Quality Review Act (“SEQRA”).

WHEREAS, the Village of Pawling Village Board (“Village Board”) has introduced and is considering the enactment of a resolution to enact a Local Law regarding reimbursement of expenses incurred by the Pawling Joint Sewer Commission in connection with tapping into and laying of lateral line and other appurtenances from the sewer main to the boundary line of a given property which is eligible for connection with the Village’s sewer system;

WHEREAS, the Village has determined that enactment of this Local Law is a Type II action under SEQRA because it involves provision of necessary utility connections and extension of sewer distribution facilities to existing properties in the Village. See 6 NYCRR Part 617.5 (11) and (13);

WHEREAS, pursuant to 6 NYCRR 617.3(f) no SEQR determination of significance, EIS or findings statement is required for actions which are Type II.

NOW, THEREFORE, BE IT RESOLVED that the Village Board hereby determines that the enactment of Local Law No. ___ of 2022 is a Type II Action under SEQRA and thus no further action is required under SEQR in order to enact such local law.

The foregoing resolution was duly put to a vote which resulted as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Lauri Taylor	—	—	—
Trustee Daniel Peters	—	—	—
Trustee John Burweger	—	—	—
Trustee Gerald Locascio	—	—	—
Trustee Tom Meyer	—	—	—
TOTAL	—	—	—

The resolution was thereupon duly adopted on _____, 2022.

DATED: Pawling, New York
_____, 2022

JENNIFER OSBORN, VILLAGE CLERK
Village of Pawling

At a Meeting of the Village of Pawling Board of Trustees held at Village Hall, 9 Memorial Avenue, Pawling, New York, on the 15th day of August, 2022, at 7:00 PM

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Enacting Local Law No. 8 for the year 2022 regarding reimbursement of expenses incurred by the Pawling Joint Sewer Commission in connection with Sewer Connections

The meeting was called to order by Mayor Lauri Taylor and the following were:

P R E S E N T:

__ Mayor Lauri Taylor
__ Trustee Daniel Peters
__ Trustee John Burweger
__ Trustee Gerald Locascio
__ Trustee Thomas Meyer

Trustee _____ moved the following resolution, seconded by Trustee _____, to adopt Local Law No. 8 of 2022, regarding reimbursement of expenses incurred by the Pawling Joint Sewer Commission in connection with Sewer Connections (“Local Law”):

WHEREAS, at the Board of Trustees meeting held on August 1, 2022, the Local Law was introduced and the Board set the public hearing for August 15, 2022;

WHEREAS, a duly noticed public hearing was held on August 15, 2022 and interested parties were provided an opportunity to be heard;

WHEREAS, the Board of Trustees has determined that the enactment of this Local Law is a Type II action under SEQRA;

NOW THEREFORE, BE IT ENACTED that the Board of Trustees of the Village of Pawling hereby adopts the following Local Law:

Local Law No. 8 for the year 2022 “Procedures for Reimbursement of Sewer Connection Costs” (“Local Law”).

Purpose

The purpose of this Local Law is to ensure that any applicant seeking to connect an eligible property to the Village's sewer system will reimburse the Pawling Joint Sewer Commission and the Village, as the case may be, for its reasonable and necessary costs and expenses incurred in connection therewith.

Local Law #2 of 1989 entitled "Village of Pawling Sewer District No. One Sewer Use Regulations" is amended to add a new Article XIII which reads as follows:

XIII Escrow Procedure for Funding of Sewer Connection Expenses.

A. Purpose.

The purpose of this Article XIII is to ensure that any Applicant seeking to connect an Eligible Property to the Sewer System will reimburse the Pawling Joint Sewer Commission and the Village, as the case may be, for its reasonable and necessary costs and expenses incurred in connection therewith.

B. Certain Definitions.

As used in this Article,

1. "**Affiliate**" means, with respect to an Applicant, (i) any person or entity owning or controlling such Applicant in whole or in part or (ii) any person or entity owned or controlled by such Applicant in whole or in part.
2. "**Applicant**" means an owner of an Eligible Property who submits or has submitted an Application.
3. "**Application**" means an application submitted by an Applicant to the Pawling Joint Sewer Commission seeking a Sewer Connection.
4. "**Chair**" means the Chairman or Chairwoman of the Pawling Joint Sewer Commission, as the case may be.
5. "**Connection Expenses**" means all reasonable and necessary costs and expenses incurred by the Pawling Joint Sewer Commission or the Village in connection with the construction and completion of a given Sewer Connection, including without limitation:

- a) uncovering any portion of the Sewer System or connections thereto;
- b) opening any manhole or appurtenances of the Sewer System;
- c) opening any street or highway or public ground;
- d) cutting, removing and replacing of pipe or lines;
- e) excavation and filling;
- f) traffic control;
- g) engineering, surveying, legal and other professional fees and costs and expenses for materials;
- h) labor and equipment, including labor provided by personnel employed or engaged by the Pawling Joint Sewer Commission and/or the Village of Pawling;
- i) any testing and other fees charged by Dutchess County or other governmental agencies associated with the Sewer Connection; and
- j) any costs and expenses, including reasonable attorney's fees, incurred by the Pawling Joint Sewer Commission or the Village in connection with an action to enforce any violation by the Applicant or an Applicant's Affiliate of the provisions of this Article.

6. **"Eligible Property"** means a parcel of real estate located in the Village (i) which has frontage on a street in the Village under which a Sewer Main has been laid or (ii) which the PJSC has by resolution authorized to be served by the Sewer System.

7. **"Escrow Amount"** has the meaning set forth in Section XIII.E.2.

8. **"Pawling Joint Sewer Commission"** or **"PJSC"** means the executive body created pursuant to the Municipal Cooperation Agreement for Construction Financing and Operation of an Inter-Municipal Sewer Interceptor, Treatment and Disposal System ("Sewer System") which was entered into in 1983 by and between the Village of Pawling and the Town of Pawling, as has been amended from time to time, to administer the Sewer System and to exercise certain powers specified in such agreement.

9. **"Sewer Connection"** means, with respect to a given Applicant, the tapping into and laying of lateral line and other appurtenances from the Sewer Main to the boundary line of a given Eligible Property.

10. **"Sewer Main"** means the main sewer line of the Sewer System, which either (i) lies in the Village street adjacent to a given Eligible Property or (ii) is located adjacent or in proximity to the Eligible Property.

11. **"Sewer System"** has the meaning set forth in Section XIII.B.8.

12. **"Village"** means the Village of Pawling.

C. **Applicability.**

This Article shall apply to any Application submitted any Applications submitted at any time after

the effective date of this local law.

D. Reimbursement of expenses for Sewer Connection.

Each Applicant for a Sewer Connection shall be responsible for reimbursing the Pawling Joint Sewer Commission for all Connection Expenses.

E. When and how Escrow Amount is required.

1. Each Applicant shall pay the Pawling Joint Sewer Commission an application fee of \$500 at the time the Application is submitted. This fee is non-refundable. In the event that the Application is approved and the given Sewer Connection is completed, such application fee will be credited towards the total amount that the Applicant must pay to reimburse the Pawling Joint Sewer Commission and the Village for the Connection Expenses.

2. Following receipt of the Application fee and Application, the Chairperson shall establish a preliminary escrow amount ("Escrow Amount") and the Applicant shall pay the Escrow Amount to the Pawling Joint Sewer Commission. Such Escrow Amount shall be determined by the Chairperson based upon his or her estimate of the Connection Expenses for the given Sewer Connection. In arriving at such estimate, the Chairperson shall consult with and obtain advice from the Village engineer and/or other persons with applicable knowledge and/or experience related to construction work on municipal sewer systems. Without limiting the generality of the foregoing, the Chairperson may consider, the diameter of the sewer pipe, the surface features which are to be removed and replaced, elevation differences between original and termination point of the sewer lateral, the distance between the sewer pipes and the Applicant's property and any other factors that reasonably relate to the Connection Expenses.

3. The Pawling Joint Sewer Commission shall deposit the Escrow Amount in a non-interest-bearing account maintained by the Pawling Joint Sewer Commission for custody of such funds.

4. Prior to payment of the Escrow Amount, the Pawling Joint Sewer Commission shall not be required to review or process the Application or commence work on the Sewer Connection.

F. Use of Escrow Amount to pay Connection Expenses.

1. The Chairperson shall review all bills and/or vouchers associated with the Sewer Connection and shall approve payment from the Escrow Amount of only such costs and expenses as he or she deem to be reasonable and necessary in connection therewith. Upon such review and approval by the Chairperson, the Pawling Joint Sewer Commission shall cause such bills or vouchers, as the case may be, to be paid out of the Escrow Amount and shall debit the separate record of such account accordingly. The vouchers shall be available on request to the Applicant.

2. If at any time prior to or after the completion of the Sewer Connection, the Chairperson determines that an addition to the Escrow Amount is required in order to fully cover

the Connection Expenses, the Applicant shall be required to pay such additional amount within ten (10) days and such additional amount shall become part of the Escrow Amount.

3. Within thirty (30) days after later of (i) completion of the Sewer Connection and (ii) payment in full of all Connection Expenses from the Escrow Account, the balance remaining in the Escrow Account, if any, shall be refunded to the Applicant.

G. Appeals.

The Applicant may appeal to the Pawling Joint Sewer Commission any determination of the Chairperson with respect to (i) establishment of the Escrow Amount or (ii) approval and/or payment of any Connection Expenses. The Chairperson shall not vote on any decision made by the PJSC with respect to such appeal. With respect to a determination of the Chairperson with respect to the Escrow Amount, such appeal right shall be waived and null and void unless it is submitted on or before the 30th day after the Applicant is notified of the Escrow Amount. With respect to a determination of the Chairperson with respect to the approval and payment of any Connection Expense from the Escrow Amount, such appeal right shall be waived and null and void unless it is submitted on or before the 30th day after the completion of the Sewer Connection. A timely appeal to the Pawling Joint Sewer Commission pursuant to this Section XIII.G is a prerequisite to any challenge in any court of law.

H. Failure to make deposit or replenishment.

In the event the Applicant fails to pay any Escrow Amount or any addition thereto as provided in this Article, without limiting any other rights and remedies of the Village and/or the PJSC at law or in equity, the PJSC and/or the Village shall have the right, at the PJSC's or the Village's option, as the case may be, to exercise any one or more of the following remedies in whole or in part:

1. Refuse to accept and/or cease to process the Application and/or any other application submitted by the Applicant or an Affiliate of the Applicant to the Pawling Joint Sewer Commission for any permit, approval, certificate or entitlement of any kind;

2. Cease work on the Sewer Connection;

3. Refuse to turn on or suspend sewer service to the Applicant's property;

and/or

4. Exercise any other remedy provided by law or in equity;

I. Charge Against Real Property.

Without limiting any other remedies of the Village and/or the PJSC, any unpaid Connection Fees shall be a charge against the Eligible 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.

In accord with Municipal Home Rule Law §27(3), this amendment shall be effective as of the date that it is filed with the Secretary of State.”

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 Lauri Taylor	—	—	—
Trustee Daniel Peters	—	—	—
Trustee John Burweger	—	—	—
Trustee Gerald Locascio	—	—	—
Trustee Thomas Meyer	—	—	—
TOTAL	—	—	—

I hereby certify that the above is a true and correct copy of the Resolution passed by the Village of Pawling Board of Trustees at a meeting held on August 15, 2022.

Date: _____, 2022

Jennifer Osborn, Village Clerk

Village of Pawling
BOARD RESOLUTION
Authorizing Application to
Environmental Facilities Corporation Water Infrastructure Improvement Act
Village of Pawling Water Supply Project - Lower Baxter Wellfield Development and Construction

WHEREAS, the Village of Pawling is proposing to develop five water supply wells, a water treatment facility, and related utility line infrastructure on the Village's Water Supply lands. Five new water wells will be put into operation and a treatment facility with an EMC generator will be constructed at 50 Tyrell Road on Tax Parcel No. 6957-20-904187-0000. The remaining utility line infrastructure will be constructed at 50 Tyrell Road to make a connection through two parcels (134001-6957-16-937250-0000 and 134001-6957-16-868317-0000) and the New York State Electric and Gas Corporation (NYSEG) transmission corridor (by easement) to Grandview Avenue;

WHEREAS, the 50 Tyrell Road parcel is currently occupied by three existing and operational bedrock wells (known as the Baxter wells), existing test wells (whose permanent operation is part of this environmental analysis), existing Baxter Green Water Treatment Plant and associated structures, successional forest and wetland area. This parcel abuts the Baxter Road residential subdivision to the west, NYS Electric and Gas (NYSEG) right-of-way (ROW) to the northwest, Village water supply land (134001-6957-16-937250-0000) to the northeast (through which the water line will connect), residential development to the east and south, with some undeveloped area;

WHEREAS, the proposed wells will be added to the Village's water supply system for which additional ground water supply is urgently needed pursuant to the terms of the Consent Order between the Dutchess County Department of Community and Behavioral Health and the Village. These wells will increase source capacity to enable the water supply system to sufficiently meet maximum daily demand. The new wells are proposed to operate in conjunction with the Umscheid water wells (located northwest of the site on parcel 134001-6957-16-868317-0000). With the Lower Baxter wells operational in conjunction with the Umscheid water wells, the maximum daily flow from the water treatment plant will be 432,000 gallons per day;

WHEREAS, the Village is seeking funding for the Village of Pawling Water Supply Project – Lower Baxter Wellfield Development and Construction, through the 2022 Environmental Facilities Corporation Water Infrastructure Improvement (WIIA) Grant;

WHEREAS, the Village attests to the validity and veracity of the statements and representations contained in the Village of Pawling Water Supply Project – Lower Baxter Wellfield Development and Construction 2022 WIIA Grant application; and

NOW, THEREFORE, BE IT RESOLVED that, that the Village of Pawling will meet the financial obligations necessary to fully and satisfactorily complete the project and hereby authorizes and

empowers the Village Mayor, Lauri Taylor to sign and submit a grant application and enter into a grant agreement with Environmental Facilities Corporation; and

IT IS FURTHER RESOLVED, that the Village will comply with all local, state and federal rules, regulations and ordinances relating to this project and the grant agreement.

On a motion by _____, seconded by _____, the foregoing resolution was adopted on a roll call vote of __Ayes, __Nays.

For Further Information

Contact Person: **Contact person name, title, address, phone**

**Municipal
Solutions, Inc.**
Municipal Financial Advisors

March 8, 2022

Lauri Taylor, Mayor
Village of Pawling
Pawling Village Hall
9 Memorial Avenue
Pawling, New York 12564

Dear Mayor Taylor:

Municipal Solutions, Inc. is submitting this amendment to our original contract dated March 8, 2022 in connection with the Village of Pawling's water rates study for your consideration and approval.

The total fee for this contract based on the current project scope is estimated to increase by \$1,250 to \$5,750. If the estimated total fee is exhausted due to unanticipated changes in project plans, scope, or timeline, we reserve the right to amend this agreement through project completion.

If there are services performed beyond the scope of the project, or if the project ceases for any reason, an invoice for work completed will be due at the current hourly rate plus expenses.

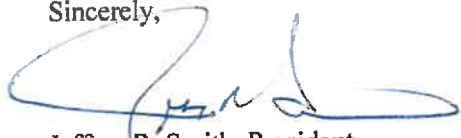
The fees may be adjusted annually based on the U.S. Bureau of Labor and Statistics Consumer Price Index – All Urban Consumers.

Invoices will be submitted periodically. Payment is expected within 45 days of the invoice date.

We agree to promptly amend or supplement this letter to reflect any material changes or additions to the agreement evidenced by this letter.

If you should have any questions concerning this proposal, please do not hesitate to contact me. We look forward to our continued working relationship with the Village.

Sincerely,



Jeffrey R. Smith, President
Certified Independent Professional Municipal Advisor

JRS/slw

Municipal Solutions, Inc. is a Member of the National Association of Municipal Advisors

62 Main Street, LeRoy, NY 14482 Phone: 585-768-2136 Fax: 585-394-4092
2528 State Route 21, Canandaigua, NY 14424 Phone: 585-394-4090 Fax: 585-394-4092
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**Village of Pawling, New York
Amendment No. 1 to Contract Dated March 8, 2022
Water Rates Study
Accepted by:**

Signature: _____

Name/Title: _____

Date: _____

APPENDIX A

VILLAGE OF PAWLING, NEW YORK Amendment No. 1 to Contract Dated March 8, 2022 Water Rates Study

DISCLOSURE OF CONFLICTS OF INTEREST

Municipal Securities Rulemaking Board Rule G-42 requires us, as your municipal advisor, to provide written disclosure to you about material conflicts of interest.

We have determined, after exercising reasonable diligence, that we have no known material conflicts of interest that would impair our ability to provide advice to the Village in accordance with our fiduciary duty to municipal entity clients. The attached paragraphs outline areas of potential conflicts of interest we have reviewed to make this no material conflict of interest determination.

FORMS OF COMPENSATION AS POTENTIAL CONFLICTS

The forms of compensation for municipal advisors vary according to the nature of the engagement and requirements of the client, among other factors. Various forms of compensation present actual or potential conflicts of interest because they may create an incentive for an advisor to recommend one course of action over another if it is more beneficial to the advisor to do so. This document discusses various forms of compensation and the timing of payments to the advisor.

Fixed fee - Under a fixed fee form of compensation, the municipal advisor is paid a fixed amount established at the outset of the transaction. The amount is usually based upon an analysis by the client and the advisor of, among other things, the expected duration and complexity of the transaction and the agreed-upon scope of work that the advisor will perform. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, the advisor may suffer a loss. Thus, the advisor may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. There may be additional conflicts of interest if the municipal advisor's fee is contingent upon the successful completion of a financing, as described below.

Hourly fee - Under an hourly fee form of compensation, the municipal advisor is paid an amount equal to the number of hours worked by the advisor times an agreed-upon hourly billing rate. This form of compensation presents a potential conflict of interest if the client and the advisor do not agree on a reasonable maximum amount at the outset of the engagement, because the advisor does not have a financial incentive to recommend alternatives that would result in fewer hours worked. In some cases, an hourly fee may be applied against a retainer (*e.g.*, a retainer payable monthly), in which case it is payable whether or not a financing closes. Alternatively, it may be contingent upon the successful completion of a financing, in which case there may be additional conflicts of interest, as described below.

Fee contingent upon the completion of a financing or other transaction - Under a contingent fee form of compensation, payment of an advisor's fee is dependent upon the successful completion of a financing or other transaction. Although this form of compensation may be customary for the client, it presents a conflict because the advisor may have an incentive to recommend unnecessary financings or financings that are disadvantageous to the client. For example, when facts or circumstances arise that could cause the financing or other transaction to be delayed or fail to close, an advisor may have an incentive to discourage a full consideration of such facts and circumstances, or to discourage consideration of alternatives that may result in the cancellation of the financing or other transaction.

Fee paid under a retainer agreement - Under a retainer agreement, fees are paid to a municipal advisor periodically (*e.g.*, monthly) and are not contingent upon the completion of a financing or other transaction. Fees paid under a retainer agreement may be calculated on a fixed fee basis (*e.g.*, a fixed fee per month regardless of the number of hours worked) or an hourly basis (*e.g.*, a minimum monthly payment, with additional amounts payable if a certain number of hours worked is exceeded). A retainer agreement does not present the conflicts associated with a contingent fee arrangement (described above).

Fee based upon principal - Under this form of compensation, the municipal advisor's fee is based upon a percentage of the principal amount of an issue of securities (*e.g.*, bonds). This form of compensation presents a conflict of interest because the advisor may have an incentive to advise the client to increase the size of the securities issue for the purpose of increasing the advisor's compensation.

From time to time, Municipal Solutions, Inc. does provide municipal advisory assistance to surrounding municipalities including, but not limited to, the Pawling Joint Sewer Commission. Municipal Solutions, Inc. is not aware of any material conflicts of interest that this relationship would bring to our fiduciary responsibility to the Village as of the date of this Agreement. If Municipal Solutions, Inc. becomes aware of any conflict of interest that could interfere with our fiduciary obligations to the Village, Municipal Solutions, Inc. will notify the Village that a conflict has been identified and we will meet with the Village to discuss the impacts of the conflict and possible methods to resolve the identified conflict areas.

RELIANCE ON OUTSIDE INFORMATION

In formulating our recommendations as it comes to the issuance of municipal securities, we often have to rely on information provided by outside sources such as engineering firms, architectural firms, CPAs, attorneys, and other professional entities, as well as the municipality itself. We must rely on the expertise and professional knowledge of these entities in that the information they are providing is reasonable and correct. As part of our fiduciary duty to our clients, we will do our best to make sure this is the case. If we feel that the information provided to us is inaccurate, inconsistent, or incomplete, we will ensure to tell you before providing any recommendations based on the material.

LEGAL OR DISCIPLINARY EVENTS

Municipal Solutions, Inc. is registered as a "municipal advisor" pursuant to Section 15B of the Securities Exchange Act and rules and regulations adopted by the United States Securities and Exchange Commission ("SEC") and the Municipal Securities Rulemaking Board ("MSRB"). As part of this registration, we are required to disclose to the SEC information regarding criminal actions, regulatory

actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation involving Municipal Solutions, Inc. Pursuant to MSRB Rule G-42, Municipal Solutions, Inc. is required to disclose any legal or disciplinary event that is material to the Village's evaluation of Municipal Solutions, Inc. or the integrity of its management or advisory personnel.

We have determined that no such event exists.

Copies of Municipal Solutions, Inc. filings with the United States Securities and Exchange Commission can currently be found by accessing the SEC's EDGAR Company Search Page which is currently available at <https://www.sec.gov/edgar/searchedgar/companysearch.html> and searching for either Municipal Solutions, Inc. or for our CIK number which is 0001612999.

The MSRB has made available on its website (www.msrb.org) a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the appropriate regulatory authority.

**Municipal
Solutions, Inc.**
Municipal Financial Advisors

July 27, 2022

Lauri Taylor, Mayor
Village of Pawling
Pawling Village Hall
9 Memorial Avenue
Pawling, New York 12564

Dear Mayor Taylor:

Municipal Solutions, Inc. is pleased to submit this proposal in connection with the Village of Pawling's proposed Lower Baxter Well project for your consideration and approval.

Per the Municipal Securities Rulemaking Board's (MSRB) Rule G-42, we must have a current contract in place prior to work commencing. This contract must state fair market value rates and fees and be accepted by both the municipality and Municipal Solutions, Inc. We must, under rule G-42, show that we've acted in good faith with the issuer and to ensure the accuracy of representation in our contracts regarding the agreed upon scope and fees, whether the contract be a Preliminary Authorization to Proceed or a Full Contract.

The Securities and Exchange Commission (SEC) enforces the rules and regulations set by the MSRB. Municipal Solutions, Inc. is registered as a recognized municipal advisor with the SEC (MS ID #867-00383) and the MSRB (MS ID #K0173) as mandated by the Dodd-Frank Wall Street Reform and Consumer Protection Act (the Dodd-Frank Act).

This proposal is divided into the following parts:

- I. Application for Funding to the Drinking Water State Revolving Fund
- II. Fiscal Services
- III. Conflicts of Interest and Other Required Disclosures
- IV. Miscellaneous

I. Application for Funding to the Drinking Water State Revolving Fund

The following items will be completed under this portion of the contract:

- 1) Submission of an application to and two hours of missing items coordination with the Drinking Water State Revolving Fund (DWSRF) personnel.
- 2) Coordinate completion of Equivalent Dwelling Unit (EDU) calculation and short-lived assets with project engineer, if applicable.

The application to the Drinking Water State Revolving Fund will be billed at an hourly rate of \$155 with a minimum fee of \$4,900.

Municipal Solutions, Inc. is a Member of the National Association of Municipal Advisors

62 Main Street, LeRoy, NY 14482 Phone: 585-768-2136 Fax: 585-394-4092
2528 State Route 21, Canandaigua, NY 14424 Phone: 585-394-4090 Fax: 585-394-4092
www.municipalsolution.com

II. Fiscal Services

The following items will be completed under this portion of the contract, if appropriate and as requested:

- 1) Work with the engineer, establish a monthly cash flow for the term of the project.
- 2) Review and approve of the budget to be used by EFC for short-term closing.
- 3) Coordination of short-term closing with Village Officials, Bond Counsel, Village Attorney, and EFC.
- 4) Assist in the preparation of information, development of an operating budget and cash flow that may be used for public or internal discussions in connection with the project.
- 5) Attend construction or other meetings, as required.
- 6) Advise the Village on required principal and interest payments at budget time.
- 7) Complete a time-frame calendar for all items to be completed in connection with an anticipated borrowing.
- 8) Prepare various maturity schedules for Village officials to determine repayment of anticipated borrowed funds for planning purposes.
- 9) Coordinate board adoption of the bond resolution and other legal documents that may be required.
- 10) Compliance with IRS, MSRB and SEC regulations, reviews and updates.
- 11) Application to secure CUSIP numbers for borrowings, as required.
- 12) Convert financial documents into useable formats for processing, if necessary.
- 13) Advise Village of additional funding opportunities that may arise for project. A separate contract will be submitted for the preparation of any funding applications not included in this contract.
- 14) Provide other financial consulting services as may be requested by the Village.

Fiscal Services will be billed at the current hourly rate of \$155 plus reimbursable expenses.

If there are services performed beyond the scope of the project, or if the project ceases for any reason, an invoice for work completed will be due at the current hourly rate plus expenses.

The fees may be adjusted annually based on the U.S. Bureau of Labor and Statistics Consumer Price Index – All Urban Consumers.

Invoices will be submitted periodically. Payment is expected within 45 days of the invoice date.

III. Conflicts of Interest and Other Required Disclosures

Rule G-42 of the Municipal Securities Rulemaking Board requires us to provide you with certain disclosures regarding conflicts of interest and other required disclosures (the "Disclosures"). Those Disclosures are attached hereto in Appendix A. We further covenant and agree to provide to the Village updated Disclosures as required by Municipal Securities Rulemaking Board Rule G-42 to the extent any arise after the date of this letter. The Disclosures, and each delivery thereof, as provided from time to time, shall be incorporated by reference as of the date thereof into this letter to the same extent as if set forth herein.

We at Municipal Solutions, Inc. operate with a core value of honesty and integrity in all aspects of our business. We pride ourselves in our competent and friendly staff and our services go above and beyond what our contracts call for. We do our very best to keep costs down and pass any savings back to our clients. If you have any concerns that are not addressed in this contract, we would be happy to discuss them with you at your convenience.

IV. Miscellaneous

Municipal Solutions, Inc. agrees to comply with the funding agency requirements of the New York State Environmental Facilities Corporation related to MWBE participation.

Upon acceptance of this proposal, please execute and return one copy to our LeRoy office located at 62 Main Street, LeRoy, New York 14482 following the next Board meeting. The terms set forth above are subject to change if we do not receive a signed contract within 30 days. This contract will remain in effect until terminated by either party. You have the right to terminate this contract for any reason at any time.

We agree to promptly amend or supplement this letter to reflect any material changes or additions to the agreement evidenced by this letter.

If you should have any questions concerning this proposal, please do not hesitate to contact me. We look forward to our continued working relationship with the Village.

Sincerely,



Jeffrey R. Smith, President
Certified Independent Professional Municipal Advisor

JRS/slw

**Village of Pawling, New York
Contract Dated July 27, 2022
Lower Baxter Well Project
Accepted by:**

Signature: _____

Name/Title: _____

Date: _____

APPENDIX A

VILLAGE OF PAWLING, NEW YORK Contract Dated July 27, 2022 Lower Baxter Well Project

DISCLOSURE OF CONFLICTS OF INTEREST

Municipal Securities Rulemaking Board Rule G-42 requires us, as your municipal advisor, to provide written disclosure to you about material conflicts of interest.

We have determined, after exercising reasonable diligence, that we have no known material conflicts of interest that would impair our ability to provide advice to the Village in accordance with our fiduciary duty to municipal entity clients. The attached paragraphs outline areas of potential conflicts of interest we have reviewed to make this no material conflict of interest determination.

Our proposal includes compensation for municipal advisory activities to be performed that is contingent on the size or closing of any transaction as to which Municipal Solutions, Inc. is providing advice, the potential conflicts that could occur as a result of this pricing compensation are outlined below.

FORMS OF COMPENSATION AS POTENTIAL CONFLICTS

The forms of compensation for municipal advisors vary according to the nature of the engagement and requirements of the client, among other factors. Various forms of compensation present actual or potential conflicts of interest because they may create an incentive for an advisor to recommend one course of action over another if it is more beneficial to the advisor to do so. This document discusses various forms of compensation and the timing of payments to the advisor.

Fixed fee - Under a fixed fee form of compensation, the municipal advisor is paid a fixed amount established at the outset of the transaction. The amount is usually based upon an analysis by the client and the advisor of, among other things, the expected duration and complexity of the transaction and the agreed-upon scope of work that the advisor will perform. This form of compensation presents a potential conflict of interest because, if the transaction requires more work than originally contemplated, the advisor may suffer a loss. Thus, the advisor may recommend less time-consuming alternatives, or fail to do a thorough analysis of alternatives. There may be additional conflicts of interest if the municipal advisor's fee is contingent upon the successful completion of a financing, as described below.

Hourly fee - Under an hourly fee form of compensation, the municipal advisor is paid an amount equal to the number of hours worked by the advisor times an agreed-upon hourly billing rate. This form of compensation presents a potential conflict of interest if the client and the advisor do not agree on a reasonable maximum amount at the outset of the engagement, because the advisor does not have a financial incentive to recommend alternatives that would result in fewer hours worked.

In some cases, an hourly fee may be applied against a retainer (*e.g.*, a retainer payable monthly), in which case it is payable whether or not a financing closes. Alternatively, it may be contingent upon the successful completion of a financing, in which case there may be additional conflicts of interest, as described below.

Fee contingent upon the completion of a financing or other transaction - Under a contingent fee form of compensation, payment of an advisor's fee is dependent upon the successful completion of a financing or other transaction. Although this form of compensation may be customary for the client, it presents a conflict because the advisor may have an incentive to recommend unnecessary financings or financings that are disadvantageous to the client. For example, when facts or circumstances arise that could cause the financing or other transaction to be delayed or fail to close, an advisor may have an incentive to discourage a full consideration of such facts and circumstances, or to discourage consideration of alternatives that may result in the cancellation of the financing or other transaction.

Fee paid under a retainer agreement - Under a retainer agreement, fees are paid to a municipal advisor periodically (*e.g.*, monthly) and are not contingent upon the completion of a financing or other transaction. Fees paid under a retainer agreement may be calculated on a fixed fee basis (*e.g.*, a fixed fee per month regardless of the number of hours worked) or an hourly basis (*e.g.*, a minimum monthly payment, with additional amounts payable if a certain number of hours worked is exceeded). A retainer agreement does not present the conflicts associated with a contingent fee arrangement (described above).

Fee based upon principal - Under this form of compensation, the municipal advisor's fee is based upon a percentage of the principal amount of an issue of securities (*e.g.*, bonds). This form of compensation presents a conflict of interest because the advisor may have an incentive to advise the client to increase the size of the securities issue for the purpose of increasing the advisor's compensation.

From time to time, Municipal Solutions, Inc. does provide municipal advisory assistance to surrounding municipalities including, but not limited to, the Pawling Joint Sewer Commission. Municipal Solutions, Inc. is not aware of any material conflicts of interest that this relationship would bring to our fiduciary responsibility to the Village as of the date of this Agreement. If Municipal Solutions, Inc. becomes aware of any conflict of interest that could interfere with our fiduciary obligations to the Village, Municipal Solutions, Inc. will notify the Village that a conflict has been identified and we will meet with the Village to discuss the impacts of the conflict and possible methods to resolve the identified conflict areas.

RELIANCE ON OUTSIDE INFORMATION

In formulating our recommendations as it comes to the issuance of municipal securities, we often have to rely on information provided by outside sources such as engineering firms, architectural firms, CPAs, attorneys, and other professional entities, as well as the municipality itself. We must rely on the expertise and professional knowledge of these entities in that the information they are providing is reasonable and correct. As part of our fiduciary duty to our clients, we will do our best to make sure this is the case. If we feel that the information provided to us is inaccurate, inconsistent or incomplete, we will ensure to tell you before providing any recommendations based on the material.

LEGAL OR DISCIPLINARY EVENTS

Municipal Solutions, Inc. is registered as a “municipal advisor” pursuant to Section 15B of the Securities Exchange Act and rules and regulations adopted by the United States Securities and Exchange Commission (“SEC”) and the Municipal Securities Rulemaking Board (“MSRB”). As part of this registration, we are required to disclose to the SEC information regarding criminal actions, regulatory actions, investigations, terminations, judgments, liens, civil judicial actions, customer complaints, arbitrations and civil litigation involving Municipal Solutions, Inc. Pursuant to MSRB Rule G-42, Municipal Solutions, Inc. is required to disclose any legal or disciplinary event that is material to the Village’s evaluation of Municipal Solutions, Inc. or the integrity of its management or advisory personnel.

We have determined that no such event exists.

Copies of Municipal Solutions, Inc. filings with the United States Securities and Exchange Commission can currently be found by accessing the SEC’s EDGAR Company Search Page which is currently available at <https://www.sec.gov/edgar/searchedgar/companysearch.html> and searching for either Municipal Solutions, Inc. or for our CIK number which is 0001612999.

The MSRB has made available on its website (www.msrb.org) a municipal advisory client brochure that describes the protections that may be provided by MSRB rules and how to file a complaint with the appropriate regulatory authority.

Treasurer's Report July 1, 2022 – July 31, 2022

June 30, 2022		
Checking	\$130.50	
Money Market	\$3,937.64	
	Total	\$4,068.14
Receipts		
July 14, 2022 – Permits	\$1,464.21	\$1,464.21
Interest earned		
	Total Receipts	\$1,464.21
Disbursements:		
July 21, 2022 – Capital Rsv Payment	\$117.56	\$117.56
	Total Disbursements	\$117.56
Cash Balance – July 31, 2022		
Location of Funds –		
Checking		\$130.50
Money Market		\$5,284.29
	Total	\$5,414.79

Metro North Operating Exp Cash Balance 6/30/2022	\$13,071.12
Plus Interest Earned	\$0.11
Metro North Operating Expense Cash Balance 7/31/2022	\$13,071.23
Metro North Cap. Rsv Cash Balance 6/30/2022	\$26,562.06
July 21, 2022 – Cap Rsv Payment	\$117.56
Metro North Cap. Rsv Cash Bal 7/31/2022	\$26,679.62
Metro North Merchant Account 6/30/2022	\$17,106.09
July 2022 – Deposits	\$852.55
July 2022 - Merchant Svcs Charge	\$108.89
July 21, 2022 – July 5, 2022 Vouchers	\$3,982.80
July 21, 2022 – 2nd Quarter Status Rpt Payment	\$1,293.14
Metro North Account Balance 7/31/2022	\$12,573.81