

DATE OF MEETING: August 7, 2023

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor  
Trustee Jerry Locascio  
Trustee Arthur Guzzo  
Trustee Stephen Pezzella

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

**MOTION** by Trustee Locascio to open the Public Hearing on the renewal of the Cable Franchise at 7:00 P.M. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

Mr. David Daniels, a village attorney, explained the village was negotiating the renewal of the existing franchise agreement with Comcast. He stated it is very similar to the last agreement with the biggest change being a 15-year term instead of a 10-year term which, generally speaking, benefits the municipality because any renewal has to be presented to the Public Service Commission and those processes could be accepted or rejected by the village. He reported the franchise fee remained the same at 3% which does not include the in-kind services that are provided by Comcast to the village municipal buildings, the fire department and the library. He said there was a maximum of 5% and the village is fairly close to that threshold. He stated the semi-annual payments received are based on the gross revenues. Mr. Daniels said that Mr. Matt Skane, a representative of Comcast, was available on the phone to answer any questions.

The Board members had no questions.

There were no questions from the public.

**MOTION** by Trustee Guzzo to close the Public Hearing on the renewal of the Cable Franchise at 7:02 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

Mr. Skane stated the next steps would be that he would continue to work with Mr. Daniels however the Village Board would need to vote to authorize the Mayor to execute the renewal.

**MOTION** by Trustee Locascio to approve the minutes from June 20, 2023. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Pezzella to approve the renewal of the Cable Franchise and authorize the Mayor to take any further actions to continue the process. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

The following resolution was offered by Trustee Jerry Locascio, who moved its adoption, seconded by Trustee Guzzo, to-wit:

BOND RESOLUTION DATED AUGUST 7, 2023.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$2,656,000 BONDS OF THE VILLAGE OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE INCREASED COST OF THE CONSTRUCTION OF NEW WELLS AND RELATED FACILITIES AND IMPROVEMENTS IN AND FOR SAID VILLAGE.

WHEREAS, the capital project hereinafter described has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Village Board of Trustees of the Village of Pawling, Dutchess County, New York, has determined will not result in any significant adverse environmental effects; and

WHEREAS, the Board of Trustees on September 7, 2022, duly adopted a bond resolution authorizing the issuance of \$2,334,000 bonds of said Village to pay the cost of the construction of new wells; and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$4,990,000, and includes improvements to water treatment facilities and transmission lines, an increase of \$2,656,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$2,656,000 bonds of said Village to pay costs thereof; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Board of Trustees of the Village of Pawling, Dutchess County, New York, as follows:

Section 1. For the object or purpose of paying additional costs of the construction of new wells in and for said Village, as well as improvements to water treatment facilities, transmission lines, and incidental improvements (including utility line relocation) and expenses in connection therewith (the "Water Improvements"), there are hereby authorized to be issued an additional \$2,656,000 bonds of the Village of Pawling, Dutchess County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such Water Improvements, being a specific object or purpose is now determined to be \$4,990,000 and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$2,334,000 bonds of said Village authorized to be issued pursuant to a bond resolution dated and duly adopted September 7, 2022 hereby modified as to the Water Improvements to be so financed; and

- b) by the issuance of the additional \$2,656,000 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law;

provided, however, the amount of bonds ultimately to be issued shall be reduced dollar for dollar by grants received in connection therewith.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first obligations for said specific object or purpose. The maximum maturity of the bonds authorized herein shall exceed five years.

Section 4. The faith and credit of said Village of Pawling, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Village a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Village Treasurer, the chief fiscal officer of such Village. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Village Treasurer shall determine consistent with the provisions of the Local Finance Law.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Village is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution, which takes effect immediately due to an Order on Consent, shall be published in summary form in the official newspaper of said Village for such purpose, together with a notice of the Village Clerk in substantially the form provided in Section 81.00 of the Local Finance Law. The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Trustee Locascio	VOTING	Aye
Trustee Burweger	VOTING	Absent
Trustee Guzzo	VOTING	Aye
Trustee Pezzella	VOTING	Aye
Mayor Taylor	VOTING	Aye

The resolution was thereupon declared duly adopted.

**MOTION** by Trustee Locascio to approve LaBella's recommendation to award the Lower Baxter General Contract to T&A Construction and the Electrical Contract to Kasselman Electric Company, Inc. pending all paperwork is received and approved. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Locascio to authorize the Mayor to sign all the contracts for T&A Construction and Kasselman related to the Lower Baxter Project. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Guzzo to approve the advertisement of the Lower Baxter Generator Bid. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

Mayor Taylor said the Board had been discussing the Chamber of Commerce bathrooms being used for large events. She stated Mr. Dan Stone, a village engineer, had looked at the situation. Mr. Stone said there were no issues with the electric or pump station and he was unable to attribute the failure to any specific cause. He said because of that it was his recommendation that except for the normal everyday use when traffic can be monitored that for any big events the Board eliminate the risk of an overflow by having the sponsor of the event provide an outside Porta-Potty.

**MOTION** by Trustee Guzzo to set the policy that the Chamber of Commerce bathrooms will remain closed during large events and that the event organizers and or Chamber of Commerce will be responsible for providing a Porta-Potty. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Locascio to approve the Metro North Treasurer's Report for June 2023. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

Mr. Dan Stone reported on:

The Umscheid project closeout  
DEC comments regarding BG9 &  
Water rates.

**MOTION** by Trustee Locascio to approve payment of the July bills in the amount of \$207,646.39. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Locascio to adjourn the meeting and go into Public Comment at 7:51 P.M. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.


**MOTION** by Trustee Locascio to go into Executive Session to discuss litigation at 7:52 P.M. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Pezzella to close Executive Session at 8:23 P.M. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Guzzo to open regular session at 8:23 P.M. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

Mayor Taylor said there were no decisions or votes taken in Executive Session

**MOTION** by Trustee Locascio to close the meeting at 8:23 P.M. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

  
Village Clerk