

DATE OF MEETING: July 17, 2023

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor
Trustee John Burweger
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 adopt the following resolution. **SECONDED** by Trustee Burweger.

RESOLUTION DESIGNATING THE VILLAGE OF PAWLING

SEQR LEAD AGENCY

MTA TRUNK SEWER REPLACEMENT PROJECT ENVIRONMENTAL (SEQRA) REVIEW

WHEREAS The Pawling Joint Sewer Commission (PJSC) proposes to replace an existing trunk sewer to eliminate ongoing maintenance issues caused by periodic blockage of the asbestos cement (AC) trunk sewer, which is seasonally affected by infiltration and exfiltration as well, and

WHEREAS The 2,850-foot-long (12-inch) replacement trunk sewer will be constructed on MTA property (tax parcel 134001-7057-17-082121) in the area east of the MTA railroad and beneath the existing cemetery (tax parcel 134001-7057-17-160205 and will travel north, and then cut east across the athletic fields of the Trinity Pawling School (tax parcel 134001-7057-13-194303) to terminate in the existing WWTP Main Lift Station located at the PJSC Wastewater Treatment Plan located off Corbin Road (west of NYS Route 22) on tax parcel 134001-7057-13-224427, requiring easements, and

WHEREAS The new trunk sewer will be constructed using directional drill techniques at depths below aquatic resources and 10 feet minimum below the cemetery. Remaining areas will be constructed using open cut techniques along the MTA property east of the MTA railroad and Trinity Pawling athletic fields, and

WHEREAS A potential new connection to PJSC manhole #10, is under consideration as part of this project via horizontal directional drill under the MTA railroad connecting this section of the collection system to the replacement trunk sewer. Alternatively, the existing trunk sewer from manhole #10 may remain in service as a connection for several side streets and properties west of the MTA railroad to the WWTP Main Lift Station, and

WHEREAS A gravity sewer is the preferred concept, but a pump station or inverted siphon may be used as alternative options. These decisions will be made under consultation with permitting agencies in advance of final design, and

WHEREAS The replacement trunk sewer will improve the system to allow continued capacity for the existing flow as originally designed. No additional capacity is planned for as part of this project.

WHEREAS the project requires the following approvals:

1. Village of Pawling Decision to Fund
2. Pawling Joint Sewer Commission Decision to Fund
3. NYS Department of Environmental Conservation (NYSDEC) Article 15 permit; Article 24 permit; Article 11; 401 WQC (to be determined based on design and in consultation with regulatory agencies)
4. NYSDEC Plans and Specifications for Sanitary Sewer
5. Dutchess County Department of Behavioral and Community Health (DCDBCH) Plans and Specifications for Sanitary Sewer
6. NYS Environmental Facilities Corporation (NYSEFC) Water Infrastructure Improvement Act (WIIA) loan and Grant.
7. United States Army Corps of Engineers (USACE) Nationwide Permit 58;
8. NYS Office of Parks, Recreation and Historic Preservation Section 106 Consultation
9. United States Fish and Wildlife Service (USFWS) Section 7 Consultation

WHEREAS, the Village of Pawling Board of Trustees has determined the proposed action is an Unlisted Action, pursuant to the New York State Environmental Quality Review Act (SEQRA) 6 NYCRR Part 617, and that a coordinated review of the action will be undertaken, and

WHEREAS, the Village of Pawling Board of Trustees has circulated the proposed action to all involved agencies for 30 days indicating their desire to be Lead Agency in accordance with 6NYCRR 617.6, and no objection was received, and

WHEREAS, the Village of Pawling Board of Trustees established themselves as Lead Agency for review of the proposed action, pursuant to the requirements of the State Environmental Quality Review Act, 6NYCRR 617.6 on July 10, 2023, and

WHEREAS, the Village of Pawling Board of Trustees has reviewed Part 1 and Part 2 of the EAF; and

WHEREAS, the Village of Pawling Board of Trustees has considered all reasonably related long-term, short-term, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

WHEREAS, the Village of Pawling Board of Trustees will ensure that any future required consultation, investigation, and permitting with NYSDEC and USFWS or other expert agencies related to aquatic resources and/or endangered, threatened, or rare species will be completed so that no significant impacts to these species will occur as a result of the project; and

WHEREAS, the Village of Pawling Board of Trustees has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 and determined that no significant adverse impacts associated with the proposed action have been identified.

NOW, THEREFORE, BE IT RESOLVED that, through a review of the Environmental Assessment Form and consideration of the criteria in 6 NYCRR § 617.7(c), the Village of Pawling Board of Trustees concludes the action will not have a significant adverse impact on the environment and a corresponding Negative Declaration will be made, and

BE IT FURTHER RESOLVED, that the Village of Pawling Board of Trustees hereby issues a Negative Declaration and that the Mayor is hereby authorized to execute the Determination of Non-Significance, and that the Negative Declaration will be filed with all appropriate parties in accordance with 6 NYCRR § 617.12.

Lauri Taylor, Mayor	Aye
John Burweger, Trustee	Aye
Jerry Locascio, Trustee	Aye
Arthur Guzzo, Trustee	Aye
Stephen Pezzella, Trustee	Aye.

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

BOND RESOLUTION DATED JULY 17, 2023.

A RESOLUTION AUTHORIZING REPLACEMENT OF SEWER TRUNK LINE AND RELATED IMPROVEMENTS IN AND FOR THE VILLAGE OF PAWLING, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$2,069,796 AND AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE ISSUANCE OF \$2,069,796 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to 6 NYCRR Part 617.5(c)(2) of the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), as proposed, which, as such, will not result in any significant adverse environmental effects; **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. Replacement of sewer trunk line and related improvements, including incidental improvements and expenses in connection therewith, in and for the Village of Pawling, Dutchess County, New York, are hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$2,069,796.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$2,069,796 serial 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 to be issued shall be reduced 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 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Village of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds 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 bonds 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 of said Village, a tax sufficient to pay the principal of and interest on such bonds 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, the chief fiscal officer. 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, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; 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. Such bonds shall be in fully registered form and shall be signed in the name of the Village of Pawling, Dutchess County, New York, by the manual or facsimile signature of the Village Treasurer and a facsimile of its corporate seal shall be imprinted or

impressed thereon and may be attested by the manual or facsimile signature of the Village Clerk.

Section 8. All other matters except as provided herein relating to the serial 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 serial 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 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. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and loan agreement, and any other agreements with the New York State Department of Health and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 11. The power to issue and sell notes for said specific object or purpose to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Village Treasurer. Such notes shall be of such terms, form and contents as may be prescribed by said Village Treasurer consistent with the provisions of the Local Finance Law.

Section 12. 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 13. Upon this resolution taking effect, the same 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.

Section 14. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Mayor Lauri Taylor	VOTING	Aye
Trustee Jerry Locascio	VOTING	Aye
Trustee John Burweger	VOTING	Aye
Trustee Arthur Guzzo	VOTING	Aye
Trustee Stephen Pezzella	VOTING	Aye

The resolution was thereupon declared duly adopted.

MOTION by Trustee Locascio to approve the 2023 Amendment to Agreement of Municipal Cooperation for Construction, Financing and Operation of an Inter-Municipal Sewer Interceptor, Treatment and Disposal System regarding the second seat and alternate for the town on the Joint Sewer Commission. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Guzzo to approve the ESRI quote for GIS mapping for the computer and 2 Trimble handheld units in the amount of \$1,320.00.00. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Locascio to award Well Field Contract No.1 – Lower Baxter to American Pump Service in the amount of \$34,500.00 per LaBella's recommendation. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

The Mayor stated there were issues with the use of the Chamber of Commerce bathrooms during large events. She reported at the Car show they backed up and had to be closed. She said she would like to see the bathrooms only open for everyday traffic and not for large events. Mayor Taylor said the village paid approximately \$20,000 to fix the lines recently and the backup was not related to the pump. Mr. Stone, a village engineer, stated he would like to go out and have the electrical system looked out. Mayor Taylor said they would get more information and revisit the topic.

Mr. Stone reported on:

Bids for the Lower Baxter Water Treatment Plant were out and
The transformer for the project is a 24 month lead time so Mr. Stone was looking for alternatives.

MOTION by Trustee Burweger to approve payment of the May bills in the amount of \$19,744.43. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve payment of EFC LT #5 in the amount of \$12,545.77. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve payment of the July 10, 2023 prepaids in the amount of \$1,912.60. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve payment of the June bills in the amount of \$79,182.11. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

Mayor Taylor reported there had been severe weather and due to that the culvert at Lakeside Drive and Old Route 55 was closed. She said she would be meeting with FEMA the following morning to see about funding.


MOTION by Trustee Locascio to close the meeting and go into Executive Session to discuss litigation at 7:35 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to close Executive Session at 8:24 P.M. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to open the regular session at 8:24 P.M. **SECONDED** by Trustee Pezzella. There was no discussion; all were in favor and the motion carried.

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

MOTION by Trustee Burweger to close regular session at 8:24 P.M. **SECONDED** by Trustee Guzzo. There was no discussion; all were in favor and the motion carried.


Village Clerk