

DATE OF MEETING: October 3, 2022

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Lauri Taylor
Trustee Dan Peters
Trustee John Burweger
Trustee Jerry Locascio
Trustee Tom Meyer

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

Mayor Taylor stated the Board was continuing the Public Hearing on a local law for the year 2022 to amend Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing.

Mr. Steve Goldberg, a resident of Oak Shadow Drive, said he was glad the Board continued the Public Hearing because he wasn't paying a whole lot of attention to the law because he figured what could be mysterious about a parking law. He said but then when he was looking at the schedule which contains, some dozen and a half violations and seems to contain every single violation that was in the original Code 92 there was a paragraph in the 92.25 about penalties and it was confusing to him because it said if there was any violation of this provision that is not in this schedule, with 18 different infractions, but is still in Chapter 92 then that is subject to imprisonment. He stated he thought to himself, well, what in the world could result in imprisonment for a village citizen, ya know, that was not a traffic violation but a parking violation. He said he thought he would come there and ask you if any of you knew what was in the original Chapter 92 or any of its amendments that was not in the schedule that is found as part of 92.49, Schedule 12. He stated he would ask you if any of you know and if not he guessed he had another question. Mr. Goldberg asked if any of you know. Mr. David Daniels, a village attorney, responded all the key violations are covered by this one...Mr. Goldberg said except for one, Attorney Daniels, which one. Mr. Goldberg said don't shake your head at me – except for one – there was a possibility you made a mistake or there was a possibility you did it on purpose and that was why he was there. Mr. Goldberg asked which one was missing here – do you know – you have no idea – right – because nobody read it. He said he can't leave you guys alone for one minute – Local Law No. 6 of 2014 amends the original Chapter 92 and it adds one violation that is suspiciously missing from this schedule and then that law was further amended to bizarrely empower the Parking Enforcement person to carry these violations. He stated – nobody knows what it is – it's parking on your lawn – it's parking on your lawn if you live in a multi-unit home. He said he did a little digging and he thought, who lives in a multi-unit home in the village because he happens to drive past, for instance, Marie Stewart's house that day and she was parked on her lawn and he knows she is not going to jail – who does live there. He asked – anybody, Bueller, anybody. He stated either willingly, which he did not think, or unwillingly because once again the village attorney is so sloppy and you refuse to check his work you have created a law that is essentially unfavorable to every brown person in our community. He stated he would urge the Board, since he did not think they did it on purpose, and since, you know, as they say, I know you are not racists but it sure seems like it from this lack of effort that you might consider going back to your attorney before you pass this law and realizing that you either inadvertently or on purpose, and he did believe inadvertently although maybe he was naïve, created a law that says if you are a latinex person that lives in our village and you park on your lawn you get to go to jail. He said please tell me I'm reading this wrong,

but again, he looked at this very carefully and he looked at all the local laws that were passed and, Mayor, Trustees, he didn't understand why that was left out – now, maybe, again, maybe they could clear this up – maybe you don't care. He said as he just knows as he reads it, it would appear this was either incredibly sloppy drafting, in which case he would say to you, you really need to put more oversight on your legal consultant because it was clearly not good or it was intentional or please tell him he was wrong. He thanked the Board.

Mr. Daniels stated what they did was take away the prison for the new violations, it used to be...so nobody is ever going to go to prison for parking violations – you can go to prison for speeding violations, it doesn't happen – so this was nonsense and he knows it.

Mr. Goldberg said nonsense was leaving it in the law, Dave. Mr. Daniels said Mr. Goldberg had his opportunity to speak and now he was...Mr. Goldberg said trying to (inaudible)...Mr. Daniels said it was not a violation that was on the list that was developed in consultation with the parking consultant – he came up with that list of important things and everybody worked together on that. Mr. Daniels said that was one that he didn't know if it was ever enforced and he doubted it would be but if it was nobody was going to jail for any kind of parking thing so this was just a red herring attempt to discredit him and the Board and the usual. Mr. Goldberg stated Mayor, may I speak because I do not want to discredit anybody...Mr. Daniels said well...Mr. Goldberg said he did not want to discredit anybody and he did not want to discredit the Board - again, as with the Assembly Law he simply wanted to call your attention to something that anybody could pick up and while it is reassuring that the Village Attorney says well nobody is going to jail because of this, without again, discrediting anybody, right, the potential exists and so just like the Public Assembly Law, now I am not discrediting anyone when I said...Trustee Peters said Mr. Goldberg made his point over and over...Mr. Goldberg said he was making it again because...Trustee Peters said it was ridiculous...Mr. Goldberg responded it was not ridiculous...Trustee Peters said he had enough time – he had spoken and he said what he had to say...Mr. Goldberg said to do your racist thing because Dave said it was ok. Trustee Peters said there was no racist...this is ridiculous. Mr. Goldberg said of course you're not. Mayor Taylor said so any multi family dwelling...Mr. Goldberg said any multifamily dwelling in the B1 District and the simplest thing to do was for your attorney to say...Mayor Taylor said Mr. Goldberg was assuming that they are all...Trustee Locascio said that was racist. Mayor Taylor agreed and said that was what she was thinking - that was racist. Mr. Goldberg said the simplest thing for the attorney to do was say he made a mistake, which is not that big a deal because he makes mistakes all the time, and strike it from the law. Mayor Taylor said that was enough. Mr. Goldberg said to just strike it. Trustee Peters said to just close the Public Hearing. Mayor Taylor stated jeez. Mr. Goldberg said jeez – come on, you are already discredited I am not trying to discredit you – you're a terrible Mayor.

Trustee Locascio asked if anybody else would like to speak. Mayor Taylor asked for any other Public Comment.

Mr. Daniels said he wanted to be clear that we alleviated the imprisonment on the new stuff that was being fined because that was obviously the intent, not to have anybody go to prison. He stated that was the historical – whatever the violations that remain that were not deemed to be significant enough to have a new fine schedule were just left off. He said Mr. Goldberg was just trying to make mountains out of mole hills but that's what he does.

MOTION by Trustee Burweger to close the Public Hearing on a local law for the year 2022 to amend Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions

regarding fines for violations regarding parking, stopping or standing at 7:08 P.M. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

RESOLUTION OF SEQR DETERMINATION FOR LOCAL LAW NO. 9 OF 2022

Trustee Peters, seconded by Trustee Burweger, 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 a resolution to enact a Local Law which involves the addition of new provisions regarding fines for parking, stopping or standing violations;

WHEREAS, the Village has determined that enactment of this Local Law is a Type II action under SEQRA because it involves routine or continuing agency administration and management, not including new programs or a major reordering of priorities that may affect the environment; as well as the adoption of regulations, policies, procedures and local legislative decisions in connection with any action contained within 6 NYCRR Part 617.5. See 6 NYCRR Part 617.5 (26) and (33);

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. 9 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:

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Tom Meyer	Aye.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Enacting Local Law No. 9 for the year 2022 amending Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing.

Trustee Peters moved the following resolution, seconded by Trustee Burweger, to adopt the following local law:

Local Law No. 9 for the year 2022, amending Chapter 92 of the Code of the Village of Pawling entitled "Parking" to add new provisions regarding fines for violations regarding parking, stopping or standing ("Local Law").

WHEREAS, at the Board of Trustees meeting held on September 6, 2022, the Local Law was introduced and the Board set the public hearing for October 3, 2022;

WHEREAS, a duly noticed public hearing was held on October 3, 2022 and interested parties were provided an opportunity to be heard;

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

Purpose

The purpose of this Local Law is to adopt a new schedule of fines for violations of Chapter 92 relating to parking, standing and stopping.

1. § 92-1 is amended to add the following defined term:

“TICKET” means any appearance ticket, summons, information or other accusatory instrument giving notice of a violation of any provision of this Chapter 92 which has been issued by a Sheriff, Deputy Sheriff, other police officer or any other official public servant authorized by state law or local law enacted pursuant to the provisions of the municipal home rule law to issue the same, including without limitation an officer or employee of the Village having responsibility for enforcement of the provisions of this Chapter relating to parking, stopping or standing.

2. §92-25 is amended to read as follows:

§92-25 Penalties:

- A. Article VII is amended to add Schedule XII as §92-49.
- B. Every person convicted of a traffic infraction for a violation of any provision of this chapter 92 which is specified in §92-49 Schedule XII shall be punished by a fine as specified in such Schedule XII.
- C. Failure to either pay, appear in Court or answer any Ticket within thirty (30) days of date of issue will result in said fine being doubled; failure to pay, appear or answer within sixty (60) days of such date of issue shall result in fine being doubled again; and failure to pay appear or answer such Ticket within ninety (90) days shall result in an additional fine of twenty dollars (\$20.00).
- D. Every person convicted of a traffic infraction for a violation of any provision of this chapter which is not specified in §92-49 Schedule XII and which is also not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall, for a first conviction thereof, be punished by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not more than fifteen (15) days, or by both such fine and imprisonment; for a second such conviction within eighteen (18) months thereafter, such person shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment for not more than forty-five (45) days, or by both such fine and imprisonment; and upon a third or subsequent conviction within eighteen (18) months after the first conviction, such person shall be punished by a fine of not more than two hundred fifty dollars (\$250.00)

or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment.

§92-49 SCHEDULE XII

Section	Description	Fine	NYS Surcharge	Amount due after day 30	Amount due after day 60	Amount due after day 90
92-13	Parking Outside Designated Space	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-14	Overnight Parking (Nov 15 - April 1)	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00
92-15	No Parking Zone	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-15B	Fire Zone	\$150.00	\$0.00	\$300.00	\$450.00	\$470.00
92-15C	Double Parked	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15D	Blocking Hydrant	\$150.00	\$0.00	\$300.00	\$450.00	\$470.00
92-15E	Blocking Driveway	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15F	Parked Against Traffic	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15G	Parked On Sidewalk	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-15H	Parked In Crosswalk	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-16	No Parking certain days/hours	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-17	Parking Overtime	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-18	No standing	\$45.00	\$0.00	\$90.00	\$135.00	\$155.00
92-19	No stopping	\$45.00	\$0.00	\$90.00	\$135.00	\$155.00
92-20	Angle Parking Violation	\$45.00	\$0.00	\$90.00	\$135.00	\$155.00
92-20B	Parked in Handicapped zone	\$250.00	\$30.00	\$530.00	\$780.00	\$800.00
92-20.1	Permit Parking Only Violation	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00
92-20.2	Meter Parking Violation	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00
92-20.3	Park in space covered w/ snow	\$35.00	\$0.00	\$70.00	\$105.00	\$125.00
92-20.4	Parking in Loading zone	\$50.00	\$0.00	\$100.00	\$150.00	\$170.00
92-20.5	Merchant Permit Parking only violation	\$75.00	\$0.00	\$150.00	\$225.00	\$245.00

Please Note: Penalties are applied for failure to pay, appear or answer and are assessed at thirty day intervals

Please Note: Parked in Handicapped Zone has the required NYS Surcharge

3. 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:

Mayor Lauri Taylor	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Gerald Locascio	Aye
Trustee Tom Meyer	Aye.

Mr. Dan Stone, a representative of LaBella, stated they are monitoring the Umscheid wells every day. There was a technical issue.

MOTION by Trustee Meyer to approve payment of the September bills in the amount of \$108,185.32. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Mr. Stone stated they elected to voluntarily decrease production to the Umscheid wells by 50% over the weekend because the change in elevation between PZ5 and PZ4 was decreasing and they wanted to extend the use of that well for a period of time. He said the distribution storage tank was plenty full and the village's water supply needs are being met but they instituted the change at Umscheid to continue to be able to pump it for as long as we can.

MOTION by Trustee Peters to adjourn the meeting at 7:13 P.M. and go into Public Comment. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk