

DATE OF MEETING: January 18, 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.

Trustee Locascio moved the following resolution, seconded by Trustee Meyer, to introduce the following proposed local law, to be known as "A Local Law Regarding Reimbursement of Expenses Incurred by the Village related to Water Service Connections" and to set a date for the public hearing on the said local law:

WHEREAS, pursuant to Section 95-7 of the Code of the Village of Pawling (the "Village Code") "[t]he Village will lay and maintain service pipe from the main to the curb box. All hookups between the main and the curb box must be made by the Village"; and

WHEREAS, Section 95-29 of the Village Code requires any applicant for a Water Connection as defined below, to pay the cost of service pipes from the main to curb box, including the installation of the curb box;

WHEREAS, the Trustees wish to setup a mechanism for applicants for a Water Connection to reimburse the Village for Village Connection Expenses, defined below;

BE IT ENACTED by the Board of Trustees of the Village of Pawling as follows:
Chapter 95 of the Code of the Village of Pawling is amended to add Article XI Escrow

Section 95-41. Purpose

The purpose of this Article is to ensure that all applicants seeking to connect property to the Village water supply system reimburse the Village for the Village's reasonable and necessary costs and expenses incurred in connection therewith.

Section 95-42. Certain Definitions

As used in this Article,

"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.

"Applicant" means an owner of real property within the Village or Town of Pawling who submits or has submitted an Application.

"Application" means an application submitted by an individual or entity to the Village seeking a Water Connection.

“Village” means the Village of Pawling.

“Water Connection” means, with respect to a given Applicant, the tapping into and laying of service pipes from the water main to curb box adjacent to the boundary line of the Applicant’s property, including the installation of the curb box and

“Village Connection Expenses” means all reasonable and necessary costs and expenses incurred by the Village in connection with the construction and completion of a given Water Connection, including without limitation excavation and filling, traffic control, engineering, surveying, legal and other professional fees and costs and expenses for materials, labor and equipment, including labor provided by personnel employed or engaged by the Village and any testing and other fees charged by Dutchess County or other governmental agencies associated with the Water Connection and any costs and expenses, including reasonable attorney’s fees, incurred by the Village in connection with an action to enforce any violation by the Applicant of the provisions of this Article.

Section 95-43. Applicability.

This Article shall apply to any Application submitted prior to January 1, 2022 for which a Water Connection has not been approved and/or fully completed on or before January 1, 2022 and all Applications submitted at any time after January 1, 2022.

Section 95-44 Reimbursement of expenses for water connection.

Each Applicant for a given Water Connection shall be responsible for reimbursing the Village for all Village Connection Expenses.

Section 95-45 When and how deposit required.

(a) Each Applicant shall pay the Village 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 Water Connection is completed, such application fee will be credited towards the total amount that the Applicant must pay to reimburse the Village for the Village Connection Expenses.

(b) Following receipt of the Application fee and Application, the Water Commissioner shall establish an escrow amount based on his or her preliminary estimate of the amount required for reimbursement of the Village Connection Expenses (“Escrow Amount”) and the Applicant shall pay the Escrow Amount to the Village.

(c) The Village shall deposit the Escrow Amount in a non-interest-bearing account maintained by the Village of Pawling for custody of such funds.

(d) Prior to payment of the Escrow Amount, the Village shall not be required to review or process the Application or commence work on the Water Connection.

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

Section 95-46 Escrow

(a) Amount

The Escrow Amount shall be determined by the Water Commissioner based upon his or her estimate of the Village Connection Expenses for the given Water Connection. The Water Commissioner may consider the diameter of the water main, the surface features which are to be removed and replaced, the distance between the water main and the Applicant's property and any other factors that the Water Commissioners deems relevant.

(b) Replenishment of escrow.

If at any time prior or after the completion of the Water Connection, the Water Commissioner determines that an addition to the Escrow Amount is required in order to fully cover the Village Connection Expenses, the Applicant shall be required to promptly pay such additional amount and such additional amount shall become part of the Escrow Amount.

(c) Payment of expenses.

1. The Escrow Amount shall be used only to pay the Village Connection Expenses.
2. The Water Commissioner shall review all bills and/or vouchers associated with the Water 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 Water Commissioner, the Village 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.
3. The Applicant may appeal to the Village Board any determination of the Water Commissioner with respect to (i) establishment of the Escrow Amount or (ii) approval and/or payment of any Village Connection Expenses. With respect to a determination of the Water Commissioner under clause (i) of the immediately preceding sentence, such appeal right shall be waived and null and void unless it is submitted on or before the 30 day after the Applicant is notified of the Escrow Amount. With respect to a determination of the Water Commission under clause (ii) of the first sentence of this subsection, such appeal right shall be waived and null and void unless it is submitted on or before the 30 day after the completion of the Water Connection. A timely appeal to the Village Board is a prerequisite to any challenge in any court of law.

(d) Failure to make deposit or replenishment.

In the event the Applicant fails to pay any Escrow Amount or addition thereto as provided in this Article, the Village shall have the right, at the Village's option, to exercise any one or more of the following remedies in whole or in part:

- i) 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 Village for any permit, approval, certificate or entitlement of any kind;
- ii) Cease work on the Water Connection;
- iii) Refuse to turn on or suspend water service to the Applicant's property;
- iv) Exercise any other remedy provided by law or in equity;

(e) Charge Against Real Property

Any unpaid Village Connection Fees shall be a charge against the real property which was the subject of the Application and shall be a lien against such real property and shall be collected in the same manner as real property taxes in accordance with the provisions the Real Property Tax Law

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

Trustee Locascio offered the following resolution, which was seconded by Trustee Meyer, who moved its adoption:

WHEREAS, Trustee Locascio has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. 1 of 2022, entitled "A Local Law Regarding Reimbursement of Expenses Incurred by the Village in Connection With Water Service Connections"

RESOLVED, that a public hearing be held in relation to the proposed changes as set forth in the form of notice, hereinafter provided, at which hearing parties in interest and citizens shall have an opportunity to be heard, to be held at the Village Hall on February 7, 2022, at 7 o'clock p.m., Prevailing Time, and that notice of said meeting shall be published in the official newspaper of general circulation in the Village of Pawling by the Village Clerk, at least five (5) days before such hearing and that such notice shall be in the following form:

NOTICE OF PUBLIC HEARING

TAKE NOTICE that the Board of Trustees of the Village of Pawling will hold a public hearing at the Village Hall, 9 Memorial Avenue, Pawling, New York on February 7, 2022, at 7 o'clock p.m., Prevailing Time on Proposed Local Law No. 2 of 2021 entitled "A Local Law Regarding Reimbursement of Fees Incurred by the Village in Connection With Water Service Connections"

TAKE FURTHER NOTICE, that copies of the aforesaid proposed local law will be available for examination at the Village of Pawling Village Hall, 9 Memorial Avenue, Pawling, New York.

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

DATED: Pawling, New York
January 18, 2022
Jennifer Osborn, Village Clerk

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

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

MOTION by Trustee Peters to adopt the Resolution 011822 below. **SECONDED** by Trustee Burweger.

Resolution 011822

**Authorizing the Submission of and Application to the New York Department of State
2020-2022 Local Government Citizens Reorganization Empowerment Grant (CREG)
Expedited Assistance Program for Grant Funds to Support Costs Associated with the
Development and Dissemination of Information Regarding the Impact of Consolidation of
the Village of Pawling**

Whereas, as a result of a petition for Consolidation filed according to Article 17-A of the GML, the Pawling Village Board has determined that it is desirable and in the public interest to undertake the necessary activities for the submittal of an application under the 2020-2022 New York State Department of State Local Government Citizens Re-Organization Empowerment Grant (CREG) Expedited Assistance Program to be titled, Village of Pawling - Consolidation Study; and

Whereas, the intent of the grant is to provide the Village of Pawling with financial assistance to support the Village of Pawling - Consolidation Study prior to the referendum on Consolidation of the Town and Village of Pawling; and

Whereas, the amount of funds to be requested from the Local Government Citizens ReOrganization Empowerment Grant (CREG) Expedited Assistance Program is an amount not to exceed \$25,000, and

Whereas, the CREG program has a required 10% local cash match, now, therefore, be it

RESOLVED, that the Village of Pawling is the Lead Applicant in an application for financial assistance under the 2020-2022 Local Government Citizens Re-Organization Empowerment Grant (CREG) Expedited; and be it further

Resolved, the Pawling Village Board authorizes the required local matching funds; and be it further

Resolved, the Pawling Village Board hereby authorizes the Village Mayor to submit the grant application; and be it further

Resolved, that the Pawling Village Board authorizes the Village Mayor to undertake all actions necessary to effectuate this Resolution, which shall take effect immediately.

There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters to authorize LaBella to go out for bid for the pipe installation at Umscheid wells. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve the November 8, 2021 and November 15, 2021 minutes. **SECONDED** by Trustee Locascio. There was no discussion; all were in favor and the motion carried.

Ms. Julianna Connelly and Mr. Russell Urban-Mead, a representative from LaBella; gave an engineer's report and an update on the status of the water system.

MOTION by Trustee Burweger to approve payment of the prepaids from January 6, 2022 in the amount of \$8,189.41 and from January 13, 2022 in the amount of \$65.00. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Peters for adjourn the meeting and go into Public Comment at 7:23 P.M. **SECONDED** by Trustee Meyer. There was no discussion; all were in favor and the motion carried.

Village Clerk