

DATE OF MEETING: January 21, 2014
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Mayor Robert Liffland
Trustee Stan Mersand
Trustee Brian Griffin
Trustee Daniel Peters

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

RESOLUTION

Introducing Local Law Amending Chapter 92 of the Village Code Entitled "Vehicles and Traffic" by Adding New Sections 92-20.1 entitled "Permit Parking", 92-20.2 entitled "Meter Parking", 92-20.3 entitled "No Parking When Covered With Snow", 92-44 entitled "Schedule XVI: Permit Parking", 92-45 entitled "Schedule XVII: Meter Parking" and 92-46 entitled "Schedule XVIII: No Parking When Covered With Snow"

At a meeting of the Board of Trustees of the Village of Pawling ("Village Board"), held at the Village of Pawling Village Hall on the 21st day of January, 2014, at 7:00 p.m., Trustee Peters, seconded by Trustee Mersand, moved the following resolution, to introduce the following proposed local law, to be known as Proposed Local Law No. 1 of 2014, entitled "A Local Law Amending Chapter 92 of the Village of Pawling Code entitled 'Vehicles and Traffic' by adding new Sections 92-20.1 entitled 'Permit Parking', 92-20.2 entitled 'Meter Parking', 92-20.3 entitled 'No Parking When Covered With Snow', 92-44 entitled 'Schedule XVI: Permit Parking', 92-45 entitled 'Schedule XVII: Meter Parking', and 92-46 entitled "Schedule XVIII: No Parking When Covered With Snow.'"

NOW THEREFORE, BE IT ENACTED by the Board of Trustees of the Village of Pawling as follows:

Section 1. Statement of Purpose and Intent. Pursuant to a Parking Program and Lease Agreement between the Village of Pawling and the Metropolitan Transportation Authority ("MTA"), dated May 23, 1996 ("Lease Agreement"), and effective June 13, 1996, the Village of Pawling leases from the MTA two parking lots, one located north of East Main Street, east of the Metro North train tracks, west of Memorial Avenue and south of the Metro North Commuter Station Platform and Charles Street, containing approximately 85 parking spaces ("the East Lot") and the other located east of the Metro North train tracks, north of the East Lot and adjacent to and north of the Metro North Commuter Station Platform, containing approximately 162 spaces ("the North Lot"), and pursuant to said Lease Agreement, the Village is responsible for managing and operating the East Lot and the North Lot for the public as a single Railroad Parking Facility. The Village Board of Trustees has determined that in order to protect the health, safety and welfare of the residents of the Village of Pawling it is necessary to impose restrictions on parking within the East Lot and the North Lot by designating some spots as Permit Parking spots, some spots as Meter Parking Spots and by prohibiting parking in certain parking spots in the event of snow covering such spots.

Section 2. The Village Code of the Village of Pawling is hereby amended by adding a new Section 92-20.1 entitled "Permit Parking" to read as follows:

§ 92-20.1. Permit Parking.

The parking of vehicles in the spaces and parking lots described in Schedule XVI (§ 92-44) shall be prohibited without a permit purchased from the Village of Pawling and such permit displayed on the rear view mirror of the vehicle in a manner that allows such permit to be visible from outside the vehicle.

Section 3. The Village Code of the Village of Pawling is hereby amended by adding a new Section 92-20.2 entitled “Meter Parking” to read as follows:

§ 92-20.2. Meter Parking.

The parking of vehicles in spaces and parking lots described in Schedule XVII (§ 92-45) shall be prohibited without the vehicle owner paying a fee, based on the amount of time such vehicle is parked in the Meter Parking spot, at the designated meter station.

Section 4. The Village Code of the Village of Pawling is hereby amended by adding a new Section 92-20.3 entitled “No Parking When Covered With Snow” to read as follows:

§ 92-20.3. No Parking When Covered With Snow.

The parking of vehicles is hereby prohibited in the locations described in Schedule XVIII (§ 92-46) whenever such locations are covered with snow.

Section 5. The Village Code of the Village of Pawling is hereby amended by adding a new Section 92-44 entitled “Schedule XVI: Permit Parking” to read as follows:

§ 92-44. Schedule XVI: Permit Parking.

In accordance with the provisions of § 92-20.1, the parking of vehicles is prohibited in the locations described below without a permit purchased from the Village of Pawling and such permit displayed on the rear view mirror of the vehicle in a manner that allows such permit to be visible from outside the vehicle:

All parking spots in the parking lot located north of East Main Street, east of the Metro North train tracks, west of Memorial Avenue, and south of the Metro North Commuter Station Platform and Charles Street, containing approximately 85 parking spaces (“the East Lot”).

The parking spots designated by signs as “Permit Parking” in the parking lot located east of the Metro North train tracks, north of the East Lot and adjacent to and north of the Metro North Commuter Station Platform, containing approximately 162 spaces (“the North Lot”).

Section 6. The Village Code of the Village of Pawling is hereby amended by adding a new Section 92-45 entitled “Schedule XVII: Meter Parking” to read as follows:

§ 92-45. Schedule XVII: Meter Parking.

In accordance with the provisions of § 92-20.2, the parking of vehicles is prohibited in the locations described below without the vehicle owner paying a fee, based on the amount of time such vehicle is parked in the Meter Parking spot, at the designated meter station:

The parking spots in the North Lot designated by signs as “Meter Parking.”

Section 7. The Village Code of the Village of Pawling is hereby amended by adding a new Section 92-46 entitled “Schedule XVIII: No Parking When Covered With Snow” to read as follows:

§ 92-46. Schedule XVIII: No Parking When Covered With Snow.

In accordance with the provisions of § 92-20.3, the parking of vehicles is hereby prohibited in the locations described below whenever such locations are covered with snow.

The parking spots in the North Lot designated by signs as “No Parking When Covered With Snow.”

Section 8. This local law shall take effect immediately upon filing with the New York State Department of State.

Mayor Liffland 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.

WHEREAS, Mayor Liffland has introduced this proposed local law for the Village of Pawling, to be known as Village of Pawling Proposed Local Law No. 1 of 2014, entitled “A Local Law Amending Chapter 92 of the Village of Pawling Code entitled ‘Vehicles and Traffic’ by adding new Sections 92-20.1 entitled ‘Permit Parking’, 92-20.2 entitled ‘Meter Parking’, 92-20.3 entitled ‘No Parking When Covered With Snow’, 92-44 entitled ‘Schedule XVI: Permit Parking’, 92-45 entitled ‘Schedule XVII: Meter Parking’, and 92-46 entitled “Schedule XVIII: No Parking When Covered With Snow.”

NOW THEREFORE BE IT FURTHER 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 3rd, 2014, 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 3rd day of February, 2014, at 7 o'clock p.m., Prevaling Time on Proposed Local Law No. 1 of 2014, entitled "A Local Law Amending Chapter 92 of the Village of Pawling Code entitled 'Vehicles and Traffic' by adding new Sections 92-20.1 entitled 'Permit Parking', 92-20.2 entitled 'Meter Parking', 92-20.3 entitled 'No Parking When Covered With Snow', 92-44 entitled 'Schedule XVI: Permit Parking', 92-45 entitled 'Schedule XVII: Meter Parking', and 92-46 entitled "Schedule XVIII: No Parking When Covered With Snow."

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
January 21, 2014

JENNIFER OSBORN, VILLAGE CLERK

The foregoing resolution was voted upon with all members voting as follows:

Mayor Liffland	Yes
Trustee Burweger	Absent
Trustee Mersand	Yes
Trustee Griffin	Yes
Trustee Peters	Yes.

The Resolution passed.

RESOLUTION

The following Resolution was proposed by Trustee Mersand who moved its adoption, and seconded by Trustee Peters.

WHEREAS, the Baxter Green Subdivision ("Subdivision") was approved by resolution of the Planning Board of the Village of Pawling ("Village") on March 3, 1999; and

WHEREAS, the developer, surety and property owner ("Defendants") failed to complete certain infrastructure improvements associated with the approved subdivision, which improvements are necessary for the safe functioning of the street, sidewalks and storm water management system of the Subdivision (the "Infrastructure"); and

WHEREAS, the Village of Pawling Board of Trustees (the "Village Board") approved a resolution on or about July 16, 2012 authorizing the commencement of suit against the developer, property owner and surety of the Subdivision to recover money damages to permit

the Village of Pawling to complete the installation of Infrastructure as provided by Village Law;” and

WHEREAS, the Village and the Defendants are desirous of resolving the Village’s claims and the avoidance of the expense of further litigation with respect to such claims; the Defendants have made an offer of money damages to be paid to the Village that the Village’s engineers have confirmed in a letter from Joseph Zarecki of Joseph Zarecki & Associates, LLC dated December 23, 2013 and Berger Engineering and Surveying, dated December 23, 2013, will fully fund the completion by the Village of the unfinished infrastructure associated with the Subdivision (“Exhibit 1” and “Exhibit 2” annexed hereto); and

WHEREAS, completion of the Infrastructure is part of the same preliminary subdivision action approved by the Planning Board of the Village of Pawling as Lead Agency and the Negative Declaration adopted on August 26, 1998; and

WHEREAS, the “Subdivision” that is the subject of this settlement is the property designated as Tax Map parcel 24-6957-20-870180-00.

NOW THEREFORE, BE IT RESOLVED, the Village Board approves the settlement of the suit captioned “VILLAGE OF PAWLING v. BAXTER GREEN ASSOCIATES, LLC, UNITED STATES FIDELITY AND GUARANTY COMPANY, STEVEN A.WEISS and STUART BERELSON, Index No. 2013-2346, subject to the following conditions:

- Payment by Defendants of \$20,000.00 to the Village of Pawling for completion of Infrastructure and \$2,000.00 additional for preparation of settlement documents by the attorneys for the Village, which documents include offer of dedication and deed(s); stipulation of discontinuance and stipulation of settlement;
- In addition to the payment of \$22,000.00 as provided above, Defendants must pay the Village of Pawling in advance for any costs associated with this settlement, including but not limited to title abstract and title insurance, court and county clerk filing fees, and recording fees;
- Acceptance by the Village of Pawling of the public improvements (streets, sidewalks, open space common areas and water and sewer) within the Subdivision;
- Approval of the settlement and the conveyances to the Village of Pawling by the attorney to the Village of Pawling,;
- A title report showing no liens, mortgages or encumbrances affecting the real property and improvements to be conveyed to the Village of Pawling;
- Execution by the Parties of Stipulation of Discontinuance and Stipulation of Settlement;
- Exchange of general releases among the Parties.

BE IT FURTHER RESOLVED, the mayor is authorized to execute all documents necessary to effectuate the settlement, including without limitation the stipulation of settlement (or settlement agreement) and stipulation of discontinuance.

Mayor Liffland went over the background on the Baxter Green development and the circumstances leading to the need for the above Resolution. There was discussion as to what would happen if the payments were not made. Mayor Liffland said the matter would be brought back to the developer's Bond Company. Trustee Griffin said he wanted the record to reflect that he was not satisfied with the timeliness of the receipt of the Resolutions. He said this was the fourth Resolution that was received right before a meeting and he did not have time to adequately review the document. He said he was concerned with the village's liability. Trustee Mersand said he understood what Trustee Griffin was saying however he wanted to move forward with approving the Resolution to allow all parties to finish the project.

The question of the foregoing Resolution was duly put to a vote, which resulted as follows:

Robert Liffland	Aye
Daniel Peters	Aye
John Burweger	Absent
Brian Griffin	Aye
Stan Mersand	Aye.

The Resolution passed.

EXHIBIT 1
BERGER LETTER DATED 12/23/13
EXHIBIT 2
ZARECKI LETTER DATED 12/23/13
(See Attached)

Trustee Griffin reiterated his frustration with not receiving the resolutions in a timely manner. He said he had not had the opportunity to review the Resolution regarding 58A JVD. The Board discussed whether the Resolution should be tabled until Trustee Griffin could speak to the attorney regarding some type of warranty on the work proposed. The Board reviewed the Resolution and Stipulation documents. Trustee Griffin said he did not feel comfortable voting on something he did not have time to review. Mayor Liffland said Trustee Griffin had the option of not voting in favor of the Resolution.

RESOLUTION

Authorizing Settlement of Action Against 58A JVD INDUSTRIES, LTD., COLONIAL SURETY COMPANY, STANTEC CONSULTING SERVICES, INC., DUFRESNE- HENRY ENGINEERS AND LANDSCAPE ARCHITECT, PC, and CRANESVILLE BLOCK CO., INC.

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 21st day of January 2014, at 7:00 p.m., Village Mayor, Robert Liffland, called the meeting to order, and Trustee Stan Mersand, seconded by Trustee Daniel Peters, moved the following resolution, to wit.

WHEREAS, the Village of Pawling ("the Village") commenced an action in New York State Supreme Court against 58A JVD INDUSTRIES, LTD, COLONIAL SURETY COMPANY, DUFRESNE-HENRY ENGINEERS AND LANDSCAPE ARCHITECT, PC, STANTEC CONSULTING SERVICES, INC., and CRANESVILLE BLOCK CO., INC., involving the contract

entered into between the Village and 58A JVD INDUSTRIES, LTD for construction of concrete sidewalks and curbs on Colman Boulevard in the Village which began to crack and deteriorate soon after construction; and

WHEREAS, the Village and the defendants to the Action have tentatively agreed to resolve the claims the Village has against the defendants according to the terms contained in the Settlement Agreement attached hereto; and

WHEREAS, the terms of the Settlement Agreement require defendant 58A JVD INDUSTRIES, LTD, to repair and replace sections of the sidewalks and curbs on Colman Boulevard that have cracked and deteriorated since they were originally constructed and further require defendant CRANESVILLE BLOCK CO., INC., to supply the concrete needed to repair and replace such sections of sidewalks and curbs; and

WHEREAS, the terms of the Settlement Agreement further require the cost of the work to be performed by 58A JVD INDUSTRIES, LTD, in the amount of \$31,885.00, to be shared equally between 58A JVD INDUSTRIES, LTD, STANTEC CONSULTING SERVICES, INC., and the Village; and

WHEREAS, the terms of the Settlement Agreement require the Village and STANTEC CONSULTING SERVICES, INC., to each pay the sum of \$10,628.33, upon execution of the Settlement Agreement, to the attorney for 58A JVD INDUSTRIES to be held in escrow pending satisfactory completion of the work by 58A JVD INDUSTRIES; and

WHEREAS, the terms of the Settlement Agreement further require the Village and all the Defendants to the action to execute Mutual Release forms, releasing each other from any claims related to the contract entered into between the Village and 58A JVD INDUSTRIES, LTD, for construction of concrete sidewalks and curbs on Colman Boulevard; and

WHEREAS, the terms of the Settlement Agreement further require the Village to discontinue the action pending in New York State Supreme Court against 58A JVD INDUSTRIES, LTD, COLONIAL SURETY COMPANY, DUFRESNE-HENRY ENGINEERS AND LANDSCAPE ARCHITECT, PC, STANTEC CONSULTING SERVICES, INC., and CRANESVILLE BLOCK CO., INC.

WHEREAS, the Village Board has determined that the terms of the Settlement Agreement, a copy of which is attached hereto, are just, reasonable and in the best interest of the Village; and

WHEREAS, entering into a settlement agreement is a Type II action under the New York State Environmental Quality Review Act ("SEQRA") and is therefore not subject to environmental review; and

BE IT FURTHER RESOLVED, that the Village Board hereby approves the terms of and authorizes the Village to enter into the Settlement Agreement, in the form attached hereto ("Settlement Agreement"); and

BE IT FURTHER RESOLVED, the Village Board hereby authorizes Ian S. MacDonald, as the attorney for the Village, to sign the Settlement Agreement, in the form attached hereto, as well as a Stipulation of Discontinuance discontinuing the action in New York State Supreme Court against all the defendants on behalf of the Village; and

BE IT FURTHER RESOLVED, the Village Board hereby authorizes the Mayor to sign any documents that may be necessary to effectuate the Settlement Agreement, including but not limited to a General Release of all the defendants to the action, and to take such administrative and ministerial action as may be necessary to effectuate the terms of the Settlement Agreement.

The following resolution was voted upon with all Board members voting as follows:

Mayor Liffland	Aye
Trustee Burweger	Absent
Trustee Peters	Aye
Trustee Mersand	Aye
Trustee Griffin	Aye (with reservations).

The Resolution passed.

MOTION by Trustee Mersand to pay the Metro North bills in the amount of \$31.25. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the Metro North Treasurer's Report for December 2013. **SECONDED** by Trustee Griffin. There was no discussion; all were in favor and the motion carried.

There was a discussion on snow removal from the village sidewalks. The topic of hiring a contractor to come in and remove the snow was discussed. There was discussion on reviewing the entire process of sidewalk snow removal. The Board decided they would look into hiring a part time person for the job during the budget process and until then they would do the best they could to keep the sidewalks clear while balancing the highway department's work load.

MOTION by Trustee Griffin to adjourn the meeting. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Village Clerk