

DATE OF MEETING: January 29, 2014

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland
Trustee John Burweger
Trustee Stan Mersand
Trustee Brian Griffin
Trustee Daniel Peters

The meeting was called to order at 7:06 P.M. with the Pledge of Allegiance.

The Board went over the proposed Full Environmental Assessment Form regarding the Proposed Waste Water Treatment Plan Upgrades.

Chris Round of Chazen Company went over the Full Environmental Assessment Form in its entirety.

Trustee Griffin asked Mr. Round if the checking of "No" to Section - D.2. Project Operations – Section b. "Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, water body, shoreline, beach or adjacent area?" meant that the actual site/structure does not encroach on the wetlands. Mr. Round said that was correct. Mr. Round said it was acknowledged elsewhere in the document with a resource map.

Trustee Griffin asked for clarification on Section D.2. Project Operations – Section O. He said the question was "Does the proposed action have the potential to produce odors for more than one hour per day?" and was checked "No." He asked what the basis for that answer was. Mr. Round said that by design waste water treatment plants do produce odors and they entered "No" on the basis that the existing operations produce odors and that as the result of the modification there would not be additional odors. He said they could characterize the answer as "Yes" with a corresponding note explaining it was somewhat subjective. Trustee Griffin said it would seem to him that there should be manufacturer specs or some type of an agricultural or DEC regulation that would support either a "Yes" or a "No". Mr. Round said that it was inherent in the system that the odors are controlled and managed and some of the things are mechanical and some are operational like not allowing things to stay on site too long, so all those things are addressed as an operational activity. He said there was not a standard or manual that says "This operation does or does not" – it was a design issue that would be managed and addressed in the process. Trustee Griffin said the concern was that it was a solar drying bed with exposure to the air which was a different process and with a potential for odor for more than an hour and he would like to see more specificity as to how the "No" answer was arrived at. Mr. Round said until the Board goes through the whole design process it would probably not have the specificity Trustee Griffin was seeking because they were working with knowledge on how the design process works and with the permitting requirements. He said there was no bench test operation – that the regulations prohibit and so they need to design consistent with the regulations. Mr. Morgan, a village attorney, said it would be simple enough to put in the document that the design will take into account the potential for production of odors and will design around it including but not limited to complying with the applicable regulations as far as odors go. Mr. Round asked Trustee Griffin if he wanted to answer "Yes" with that note. Trustee Griffin said it was his opinion that it be checked "Yes" and they should offer how the Board is

going to address it through some type of specificity from the manufacturer because the capacity would be doubled and there were odor issues in the past so how could the Board not expect to have odor issues. Mr. Daniels, a village attorney, said he agreed with Trustee Griffin and in Part 2 it was answered yes to the odors questions. Mr. Morgan said they would check “Yes” for the question and they would add a footnote that “The project has the potential to generate odors from sludge treatment for more than one hour per day. Design of dewatering of the sludge process will include odor avoidance through design and operational methods, and by compliance with applicable regulations”. Trustee Griffin said he was okay with that.

Mr. Round said under E.3. Section e. – “Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or had been nominated by the NYS Board of Historic Preservation for inclusion on, the State of National Register of Historic Places?” was checked “No” because they had consulted with SHPO. Mr. Round said they did not have a letter of “No Effect” from them. He said SHPO was not an involved agency but were an interested agency and they do not issue an approval however the SEQRA process requires consultation with SHPO. Mr. Round said there would be a letter from SHPO for the file because they do anticipate a letter of “No Effect” from them and that the Board did not need the letter in the file to make a SEQR Determination but ideally the Board would like to have it. Mr. Daniels said they did reach out to Michael Hale last week when they had not heard from SHPO and he indicated he would be placing a call to try to see what the status was but he said that if the village did pass the Resolution it could be submitted without the SHPO letter. Mr. Morgan said the village could go ahead and file with EFC and the processing will wait until the SHPO letter comes in. Trustee Griffin said his understanding of the instructions was that if anything was lacking that it would halt the process. Mr. Round said SHPO was its own animal and EFC reps were attuned to it. Mr. Daniels said everyone seemed pretty positive that everything would be okay.

Trustee Griffin asked a question about Part 2 Potential Impact #17 – Consistency with Community Plans. He said the first paragraph stated that “The Sewer District has a total of 718 customers which included 475 village residents and 243 town residents” for a total of 34% and he thought the Boards had been discussing a number closer to 18%. Mr. Daniels said he did not have it in front of him as to where he got the numbers. He said there was the potential that the numbers themselves do not equate to the usage. Trustee Griffin said it was a possibility but he wanted to point the discrepancy out.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Proposed SEQR Resolution for Determination of Significance for Sewage Treatment Plant Improvements

The meeting was called to order by Mayor Robert Liffland and the following were:

P R E S E N T:

- ✓ Mayor Robert Liffland
- ✓ Trustee Daniel Peters
- ✓ Trustee John Burweger
- ✓ Trustee Brian Griffin
- ✓ Trustee Stan Mersand

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

WHEREAS, the Village of Pawling Board of Trustees (“the Board”) adopted an Initial SEQRA Resolution on January 6, 2014, declaring itself Lead Agency and making a preliminary designation of the expansion of capacity and related improvements to the Pawling Wastewater Treatment Plant (“WWTP”) (the “Proposed Project”) to be an Unlisted action pursuant to 6 NYCRR Part 617.6; and

WHEREAS, the Involved Agencies identified in the Full Environmental Assessment Form (“FEAF”) have each consented to the Board’s designation of itself as Lead Agency; and

WHEREAS, the Village Board has reviewed the FEAF Parts I and II, the *Village of Pawling Wastewater Treatment Plant Improvements Project* manual dated 8/01/2013 and revised 8/20/2013, and additional documentation prepared by Zarecki & Associates, LLC and the Chazen Companies, consulting engineer and land use planners for the Board; and

WHEREAS, the FEAF and attachments provide evidence that the expansion of capacity of the WWTP and related improvements on the site of the existing WWTP will not have a significant impact on the environment; and

WHEREAS, the Village Board, pursuant to 6 NYCRR Part 617.7(b) and (c) of the SEQRA Regulations, has considered the FEAF and the criteria contained in sub-division “c” of Section 617.7 and wishes to determine that the Proposed Project will not result in any significant environmental impacts; and

WHEREAS, notification of the time, place and purpose of this meeting was effected as required by Public Officers Law §104(2);

NOW THEREFORE, BE IT RESOLVED, the Board confirms its status as Lead Agency for the coordinated review of the Proposed Project based on the consent of each Involved Agency; and

BE IT FURTHER RESOLVED that the Board accepts the completed FEAF (parts I and II) in the form prepared by the Board’s consulting engineers and land use planners; and

BE IT FURTHER RESOLVED that the Board as Lead Agency adopts and confirms the recommendations and conclusions in the FEAF of the Board’s consulting engineers and planners that the Proposed Project will not result in significant environmental impacts; and

BE IT FURTHER RESOLVED that a true copy of the FEAF supporting the finding of non-significance is annexed hereto and made a part hereof, and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute the FEAF in the form attached to this Resolution, and to provide for the publication of this Negative Declaration in the manner required by law.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Robert Liffland	✓		
Trustee Daniel Peters	✓		
Trustee John Burweger	✓		
Trustee Brian Griffin	✓		
Trustee Stan Mersand	✓		
TOTAL	5		

The Resolution passed acknowledging any changes discussed at the meeting being made to the Full EAF.

Mr. Doug Goodfriend of Orrick, Herrington & Sutcliffe, LLP, gave an overview of the Bonding process. He explained that the authorization went up to a maximum estimated cost; could be amended and repealed after adoption; if after 10 years the resolution was not acted upon it was repealed; the Board could choose long term serial Bonds or BANs; the probable usefulness was 40 years per the statute and; the Board was not compelled to borrow in any short-term framework. Trustee Griffin asked how the \$6,500,000 figure was decided upon. Mr. Goodfriend said the number was usually determined by a financial advisor however since the Board was not binding itself in a Bond Resolution to any particular sale that the Board would decide at the time if they liked the rate offered or not.

**BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)
(sewage treatment plant improvements)**

At a regular meeting of the Board of Trustees of the Village of Pawling, Dutchess County, New York, held at the Village Hall, in Pawling, New York, in said Village, on the 29th day of January, 2014, at 7 o'clock P.M., Prevailing Time.

The meeting was called to order by Mayor Robert Liffland, and upon roll being called, the following were

PRESENT:

Mayor Robert Liffland
Trustee Stan Mersand
Trustee John Burweger
Trustee Brian Griffin
Trustee Daniel Peters

ABSENT:

The following resolution was offered by Mayor Robert Liffland, who moved its adoption, seconded by Trustee Stan Mersand, to-wit:

BOND RESOLUTION DATED JANUARY 29, 2014.

A RESOLUTION AUTHORIZING THE CONSTRUCTION OF ADDITIONS TO AND RECONSTRUCTION OF THE VILLAGE SEWAGE TREATMENT PLANT IN AND FOR THE VILLAGE OF PAWLING, DUTCHESS COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$6,500,000 AND AUTHORIZING THE ISSUANCE OF \$6,500,000 SERIAL BONDS OF SAID VILLAGE TO PAY THE COST THEREOF.

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 ("SEQRA"), the implementation of which as proposed, it has been determined will not result in any significant environmental effects and SEQRA compliance materials are available in the office of the Village Clerk where they may be inspected during regular business hours; 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 (the "Village"), as follows:

Section 1. The construction of additions to and reconstruction of the Village sewage treatment plant in and for the Village of Pawling, Dutchess County, New York, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$6,500,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$6,500,000 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, that the amount of serial bonds ultimately to be issued shall be reduced dollar for dollar by the amount of any federal and/or rebate grant monies received therefor.

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, including revenues from the Town of Pawling, Dutchess County, New York, and a levy on all the real property deemed benefitted by said specific object or purpose in Sewer District No. 1 as extended of the Village pursuant to Village Law Section 22-2200, 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. 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 7. The Village Treasurer is hereby further authorized, at her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with 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 object or purpose described in Section 1 hereof, or a portion thereof, by a bond or note issue of said Village in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 8. 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 9. 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 10. 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 11. **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 Robert Liffland	VOTING	Aye
Trustee Daniel Peters	VOTING	Aye
Trustee Stan Mersand	VOTING	Aye
Trustee John Burweger	VOTING	Aye
Trustee Brian Griffin	VOTING	Nay

The resolution was thereupon declared duly adopted.

RESOLUTION

WHEREAS the Board of Trustees of the Village of Pawling approved a resolution in August of 2013 extending the term of office from 2 years to 4 years for the Mayor and all Trustees elected after November 1, 2013, and

WHEREAS that resolution accidentally left off the clause concerning salaries,

BE IT NOW RESOLVED that the salary of the Mayor be set at \$6,000 per year, and

BE IT FURTHER RESOLVED that the salary of each Trustee shall be set at \$4,000 per year, and

BE IT FURTHER RESOLVED that the Deputy Mayor shall receive an additional stipend of \$500 per year, and

BE IT FURTHER RESOLVED that these salary changes shall be effective on the regular pay date for the Board beginning in March of 2014.

MOTION by Trustee Mersand to adopt the resolution regarding salaries (see above).

SECONDED by Trustee Peters. Trustee Griffin asked if the resolution should amend the August 2013 resolution. Mr. Morgan said the new resolution would supersede the other resolution. There was no further discussion. The roll call vote was:

Mayor Robert Liffland	VOTING	Aye
Trustee Daniel Peters	VOTING	Aye
Trustee Stan Mersand	VOTING	Aye
Trustee John Burweger	VOTING	Aye
Trustee Brian Griffin	VOTING	Aye

The resolution passed.

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Proposed Resolution for Approval and Authorization of Filing of Environmental Facilities Corporation ("EFC") Application for Funding of Sewer Treatment Plant Improvements

The meeting was called to order by Mayor Robert Liffland and the following were:

P R E S E N T:

- ✓ Mayor Robert Liffland
- ✓ Trustee Daniel Peters
- ✓ Trustee John Burweger
- ✓ Trustee Brian Griffin

✓ Trustee Stan Mersand

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

WHEREAS, the Board of Trustees of the Village of Pawling (“Board”) recognizes the necessity of increasing the capacity of the Pawling Wastewater Treatment Plant (“WWTP”) and making certain modernizing improvements as set forth in the “*Village of Pawling Wastewater Treatment Plant Improvements Project*” study revision date 8/20/2013, prepared by *Chazen Engineering, Land Surveying & Landscape Architecture Co., D.P.C.* for Zarecki & Associates, LLC and the Pawling Joint Sewer Commission, to meet increasing flow and treatment requirements and regulatory requirements (the “Proposed Project”), and

WHEREAS, to advance the Proposed Project, the Board has adopted a SEQRA Determination of Non-Significance Resolution on January 29, 2014, as Lead Agency, pursuant to the State Environmental Quality Review Act (“SEQRA”) and SEQRA Regulation 6 NYCRR Part 617.7(b) and (c), based on a Full Environmental Assessment Form (“FEAF”) and supporting documentation; and

WHEREAS, in further advancement of the Proposed Project, the Board must provide for the financing of the designing, procurement of permits and approvals and construction of the Proposed Project, which financing will include, but is not limited to, the issuance of bonds to the Clean Water State Revolving Fund (“CWSRF”) through the New York State Environmental Facilities Corporation (“EFC”), for which an application to EFC must be authorized by the Board and filed with EFC on behalf of the Board; and

WHEREAS, notice of this meeting has been effected and posted as required by Public Officers Law §104(2);

NOW THEREFORE, BE IT RESOLVED, the Board has been presented with a proposed application for EFC funding (“Application”) by Zarecki & Associates, the Village’s consulting engineer, which Application is attached to this Resolution and made a part thereof; and

BE IT FURTHER RESOLVED that the Board approves the EFC Application in the form prepared by the Board’s consulting engineers, authorizes the mayor to execute the application on behalf of the Village and to cause the Application and all necessary supporting documentation to be filed forthwith with EFC.

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

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>
Mayor Robert Liffland	✓		
Trustee Daniel Peters	✓		
Trustee John Burweger	✓		
Trustee Brian Griffin		✓	
Trustee Stan Mersand	✓		
TOTAL	4	1	0

The Resolution passed.

Mayor Liffland thanked the professional staff for all of their work on the project.

MOTION by Trustee Mersand to adjourn the meeting at 8:55 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk