

DATE OF MEETING: August 17, 2015
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Deputy Mayor Stan Mersand
Trustee John Burweger
Trustee Dan Peters
Vacancy

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

Deputy Mayor Mersand announced the first item was the continuation of the Public Hearing on proposed Local Law No. 2 entitled "A Local Law Amending Chapter 74 of the Village Code Entitled "Sewers" to Adopt Infiltration and Inflow Regulation for Village of Pawling" at 7:01 P.M.

There was no public comment.

MOTION by Trustee Burweger to close the Public Hearing on proposed Local Law No. 2 entitled "A Local Law Amending Chapter 74 of the Village Code Entitled "Sewers" to Adopt Infiltration and Inflow Regulation for Village of Pawling" at 7:03 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

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

Identifier: Proposed SEQR Resolution for Determination of Non-Significance for Local Law 2 of 2015 I&I Regulation

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

WHEREAS, the Village of Pawling Board of Trustees ("Board") adopted a resolution on July 20, 2015, introducing Local Law 2 of 2015 and setting a public hearing; and

WHEREAS, the public hearing was duly convened and closed on August 17th, 2015; and

WHEREAS, the Board has reviewed the Short Environmental Assessment Form ("SEAF") bearing the date August 3, 2015, (Exhibit A"); and

WHEREAS, the enactment of this proposed local law is an unlisted action pursuant to 6 NYCRR §617, and there are no other involved agencies as defined in 6 NYCRR §617 involving this action; the Board has determined that it will conduct an uncoordinated SEQRA review as defined in 6 NYCRR §617; and

WHEREAS, the SEAF provides evidence that the enactment of this local law will not have a significant adverse impact on the environment; and

WHEREAS, the Board, pursuant to 6 NYCRR Part 617.7(b) and (c) of the SEQRA Regulations, has considered the SEAF and the criteria contained in sub-division "c" of Section 617.7 and hereby determines that the Proposed Project will not result in any significant adverse environmental impacts; and

NOW THEREFORE, BE IT RESOLVED, the Board accepts the completed SEAF Dated August 3, 2015; and

BE IT FURTHER RESOLVED that the Board as Lead Agency confirms the status of the Proposed Action as an Unlisted action pursuant to SEQR, adopts and confirms the recommendations and conclusions in the SEAF that the Proposed Project will not result in significant environmental impacts; and

BE IT FURTHER RESOLVED that a true copy of the SEAF supporting the finding of non-significance is annexed hereto and made a part hereof as Exhibit "A".

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

Mayor Robert Liffland	Absent
Deputy Mayor Stan Mersand	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
<i>Vacant.</i>	

The Resolution passed.

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

Identifier: Enacting Local Law Amending Chapter 74 of the Village Code Entitled "Sewers" to adopt Infiltration and Inflow Regulation for Village of Pawling

At a regular meeting of the Board of Trustees of the Village of Pawling ("Village Board"), held at the Village of Pawling Village Hall on the 17th day of August, 2015, at 7:00 p.m., Trustee Burweger, seconded by Trustee Peters, moved the following resolution, to enact the following proposed local law, to be known as Local Law No. 2 of 2015, entitled "A Local Law Amending Chapter 74 of the Code of the Village of Pawling, entitled "Sewers;"

WHEREAS, this proposed local law was introduced to the Village Board of the Village of Pawling and a date for a public hearing was approved on July 20, 2015, and the requisite public hearing was convened and closed on August 17th, 2015; and

WHEREAS, the Village Board as Lead Agency has found that the local law will give rise to no significant adverse environmental impacts pursuant to the State Environmental Quality Review Act;

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

Section 1. Statement of Purpose. The discharge of water from roofs, downspouts, ground surface water, groundwater sources, sump pumps, footing drains, swimming pools and other sources into the public Sanitary Sewer System, floods and overloads the Sanitary Sewer System causing significant wear to the Wastewater Treatment Plant and Sanitary Sewer Trunk Lines. Such wear is caused by the increased amount of processing necessary to treat the increased volume of water, backup of sewage into the Wastewater Treatment Plant, private

properties and pressure damage to the trunk lines. The Pawling Joint Sewer Commission, the Town of Pawling (“Town Board”) and the Village of Pawling Board of Trustees (“Village Board”), therefore, find it essential to the avoidance of damage to the Sanitary Sewer System and WWTP and private property, and to meet the New York State Department of Environmental Conservation (NYSDEC) requirements and the requirements of the New York State Pollution Discharge Elimination System (“SPDES”) Permit # 0165891 held by the Pawling Joint Sewer Commission as Permittee, that the provisions of this proposed local law are enacted.

Section 2. Definitions.

The following terms shall have the meanings ascribed to them in this Section 2, or as otherwise defined in this chapter.

“Certificate of Occupancy” means the certificate issued by the building inspector or code enforcement official of the Town or the Village permitting use and occupancy of real property and buildings pursuant to state and local building and fire regulations.

“I&I” means inflow and infiltration. Groundwater entering sanitary sewers through defective pipe joints and broken pipes is infiltration; water entering sanitary sewers from inappropriate connections is inflow.

“PJSC” and “Commission” mean the Pawling Joint Sewer Commission, the administrative entity empowered by law and inter-municipal agreement to operate and administer the Wastewater Treatment Plant and the Sanitary Sewer System on behalf of the Village and the Town.

“Permanently Installed Discharge Line” shall have the meaning ascribed to it in Section 3 of this chapter.

“Property Owner” means persons having a recorded legal interest in real property that is connected to or is discharging water into the Sanitary Sewer System.

“Sanitary Sewer System” means the sewage collection and treatment system of the Town and the Village, including the Wastewater Treatment Plant, the pumping stations and the sewer pipes owned and operated by the PJSC, the Village or the Town.

“Sump Pump Discharge System” means any system of submersible pumps and hoses or pipes where accumulated water is deposited into the Sanitary Sewer System.

“Town” means the Town of Pawling and includes its governing board.

“Village” means the Village of Pawling and includes its mayor and governing board.

“Wastewater Treatment Plant” or “WWTP” both mean the sewage treatment facility owned by the Village and operated by the PJSC on behalf of the Village and Town, located at 37 Corbin Road in the Village of Pawling.

Section 3. Prohibition against discharges into Sanitary Sewer System.

Water from any roof, downspout, ground surface water, groundwater, sump pumps, footing drains, swimming pool or other natural precipitation shall not be discharged into the Sanitary Sewer System, except water from water conditioning/softening systems, water heaters, and furnaces/boilers shall be allowed to enter the sanitary sewer system if connected directly from

such appliance, but may not discharge into any pit or area drained with a sump pump. Dwellings and other buildings and structures that require a Sump Pump Discharge System because of infiltration of water into basements, crawl spaces and the like, shall have a Permanently Installed Discharge Line which shall not at any time discharge water into the Sanitary Sewer System, except as provided herein. A "Permanently Installed Discharge Line" shall be one which provides for year-round discharge capability to either the outside of the dwelling, building or structure, or is connected to the Village's storm sewer or discharges through the curb and gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.

Section 4. Exceptions.

In certain locations where surface storm water discharge would create a safety hazard during freezing weather, connection to the Sanitary Sewer System may be maintained from November 1st to March 31st subject to payment of the fee for such sewer service provided in §§10 and 11 of this article. In no case shall any connection to the Sanitary Sewer System be maintained between March 31st to November 1st. Exceptions may be granted on a case-by-case basis as determined by the Commission.

Section 5. Disconnection.

Any person, firm or corporation having water from a roof surface, downspouts, groundwater, sump pump, footing drain or swimming pool connected to or discharging into the Sanitary Sewer System shall disconnect and/or remove the same. Any disconnects or openings in the Sanitary Sewer System shall be closed in an effective, workmanlike manner, as approved by the Commission and verified by inspection.

Section 6. Inspection.

- a. Every person owning improved real estate that discharges into the Sanitary Sewer System shall allow a Village employee(s) and the Commission's designee to inspect the building(s) to confirm that there is no sump pump or other source of prohibited discharge or connection into the Sanitary Sewer System. Any person refusing to allow their property to be inspected after reasonable notice by the Commission shall be subject to the surcharge hereinafter provided for. Upon the refusal of any person to permit such inspection, the Commission may apply to the proper court for an administrative inspection order. Any property found to violate this subdivision shall make the necessary changes to comply with this subdivision and the Village's employee(s) or the Commission's designee shall verify such changes.
- b. In lieu of having inspections by a Village's employee(s) or the Commission's designee, the Property Owner may furnish a certificate from a licensed plumber in a form acceptable to the Commission and the Village of Pawling and its Engineer certifying that the property has no prohibited connection or discharge into the Sanitary Sewer System.

Section 7. Future Inspections.

Every Property Owner who owns improved real estate, which is connected to the Village's Sanitary Sewer System shall, within thirty (30) days after written notice of inspection from the Commission:

- a. Allow the designated employee(s) of the Village or the Commission's designee to inspect both the inside and the outside of the building(s) located on the property to confirm that there is no prohibited discharge into the Sanitary Sewer System, or

- b. the Property Owner may furnish a certificate from a licensed plumber, in an acceptable form to the Commission, the Village of Pawling and their Engineer, certifying that the property has no prohibited connection or discharge into the Sanitary Sewer System. Failure of the Property Owner to provide such certificate of compliance within thirty (30) days of the posting of the notice of inspection by the Commission to the Property Owner or occupant shall make the property subject to the surcharge provided in for Section 11 of this chapter until the property is inspected and/or compliance is certified as provided herein.
- c. the Village of Pawling shall have the right to future inspections no less than every five (5) years, and after giving thirty (30) days notice to the property owner by regular mail, except that an inspection shall be sooner if a building permit is issued for additional work on the structure or plumbing system in the structure.

Section 8. New Home Inspections.

All new homes will be required to have their Sump Pump System inspected and in compliance with this chapter prior to issuance of a Certificate of Occupancy.

Section 9. Waivers.

The Pawling Joint Sewer Commission and the Village of Pawling shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this chapter where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem for the Property Owner or other real property. This includes cases that would not be practical or feasible to correct the clear water discharge problem.

Section 10. Waiver process.

Application for waivers pursuant to this chapter shall be addressed in writing to the Pawling Joint Sewer Commission and the Village of Pawling. The application shall at minimum identify the property for which the waiver is being applied for, the name of the Property Owner/Applicant and describe in detail what characteristics of the subject property result in an undue hardship to comply with this chapter. Within a reasonable time, the Pawling Joint Sewer Commission and the Village of Pawling shall make its decision on the matter and send a copy of such decision to the Property Owner/Applicant by regular mail. Upon approval of an application for a waiver, a Property Owner/Applicant shall be allowed to discharge directly into the Sanitary Sewer System for the time specified in the Pawling Joint Sewer Commission and the Village of Pawling's written decision. The Property Owner/Applicant will be required to pay an additional fee for the additional sewer service, along with the regular quarterly charge. Fees for this service will be based on estimated yearly average amounts charged to the sanitary sewer.

Section 11. Surcharge and Penalties.

- a. A surcharge of One Hundred Dollars (\$100.00) per month shall be added to each sanitary sewer bill mailed to Property Owners who have not obtained a property inspection as required pursuant to §§6 and 7 of this article by the date of the bill, and a surcharge of One Hundred Dollars (\$100.00) per month to Property Owners who are not in otherwise in compliance with this article when the bill is mailed. The surcharge(s) will be added to each quarterly bill for as long as non-compliance with this article continues. Properties found during future inspections to be in violation of this law shall be subject to the One Hundred Dollars (\$100.00) per month charge for each month after a notice of violation has been issued until the Property Owner submits proof to the Commission and the Village of Pawling that the property is in full compliance. A Property Owner or other

person who is not in compliance with this law may be served with a notice of violation and order to remedy such violation by regular mail to the address of record of the Property Owner as shown on the property tax roll. . If such violation has not been corrected in the requisite time, the Property Owner and other person(s) violating this law shall be guilty of an offense. The Pawling Joint Sewer Commission and the Village of Pawling may each bring a civil action to compel the Property Owner to comply with the requirements of this law and for judgment against the Property Owner and other violator(s) for the costs incurred by the Commission and the Village and Town enforcing this law, including reasonable attorney fees, court costs, engineering fees and related expenses incurred by the Commission for the purpose of protecting the Sanitary Sewer System from the reasonably foreseeable impacts of such violations of this law.

- b. The Commission and the Village of Pawling Board of Trustees may, by resolution, provide for a waiver of the surcharge. Such a waiver of the surcharge may be approved if the Property Owner has executed a Consent to Inspection in the form as approved by the Commission, except a waiver may not be approved after the Commission or the Village has applied to any court for an administrative inspection order or to compel compliance with this chapter unless the Property Owner shall reimburse the Commission for the costs incurred in making application to the court, including reasonable attorney fees and disbursements.
- c. The Commission is authorized to adopt special sanitary sewer usage rates to be charged to Property Owners who have not complied with a notice of inspection or an order to remedy a violation of this law. Such special sanitary sewer usage rates shall be calculated to reimburse the Commission for lost sewer usage revenue due to the reduced available sewage treatment capacity of the Sanitary Sewer System resulting from I&I conditions that have not been corrected by the Property Owner as required by this law. The Commission shall adopt a rule to define how such calculation of lost revenue and diminished sewage treatment capacity shall be made, and for the administrative process the Commission shall establish to impose such special sanitary sewer usage rate and suspend such rate on Property Owners upon their compliance with such orders to remedy violation(s) as have been issued to them.

Section 12. Responsibility for Inspections of Existing Lines.

- a. Persons owning or occupying land upon which sanitary sewer service lines are located, which are connected to and flow into public sewer lines that are part of the Sanitary Sewer System, shall be responsible for the inspection, maintenance, repair and operational integrity of such private sanitary sewer service lines, except where the Commission, the Village or the Town has a legal interest in such sewer service line wherein the legal duty to maintain such sewer line is imposed on the Commission, the Village or the Town. The Commission will send a notice of inspection to owners having a private sanitary sewer line that is connected to the Sanitary Sewer System on their property. Owner must make inspection in the manner required by the Commission within the time prescribed by the Commission, at the Owner's sole expense. Inspections may have multiple stages, which shall be undertaken by the Owner in accord with the instructions of the Commission.
- b. If inspections show such pipe is damaged and should be repaired or replaced to reduce I&I, the Property Owner shall undertake such repair or replacement in a manner approved by the Commission. A permit is required from the Commission for excavating, repairing and replacement of any pipe that is connected to the Sanitary Sewer System,

in addition to other permits required by the Town and the Village.

- c. The Commission is responsible for inspection and repair of pipes on private property only when a sewer easement has been granted to the Commission, the Village or the Town wherein the duty to inspect and repair the pipe subject to such easement is provided.
- d. The Commission may impose a surcharge to pay the estimated cost incurred by the Commission of treating I&I that has been allowed to enter the Sanitary Sewer System through broken or deteriorated pipes. Such surcharge will be a lien on the property where the private pipe is located.

Section 13. This local law shall take effect immediately upon filing with the New York State Department of State.

Section 14. The Village Clerk is authorized to conform this resolution to the directives of the Village Board before filing with the Secretary of State.

Section 15. The mayor of the Village of Pawling has issued a Message of Necessity pursuant to §20(4) of the municipal home rule law ("MHRL") waiving the waiting time for passage of a local law provided in §20(4) of MHRL, and the Board hereby concurs that there is necessity to enact this local law for compliance purposes with SPDES Permit NY0165891 without further delay.

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

Mayor Liffland	Absent
Deputy Mayor Mersand	Aye
Trustee Peters	Aye
Trustee Burweger	Aye
<i>Vacant.</i>	

The Resolution passed.

Trustee Peters gave an update on the Memorial Avenue Water Main Replacement Project. He said the Board would probably have to go over the tax cap in order to complete all of the ongoing projects. He said the water and sewer rates would have to be altered as well. One suggestion he had was to amend the Severn Trent contract to allow them to do the project alleviating a lot of the administrative costs. Trustee Peters said he was working on getting final numbers together.

There was discussion on the Historian's correspondence dated August 4, 2015.

**RESOLUTION WITH REFERENCE TO THE PROPOSED
VILLAGE OF PAWLING, DUTCHESS COUNTY, NY
NYS WATER INFRASTRUCTURE IMPROVEMENT ACT GRANT APPLICATION**

WHEREAS, the Village of Pawling Board of Trustees has determined that it is in Village's best interest to apply for funding to assist in the financing of its water treatment plant improvement project: and

WHEREAS, affordability for the Village's residents and property owners is a significant concern in advancement of the proposed project:

NOW, THEREFORE, be it RESOLVED as follows:

1. The Village of Pawling authorizes Municipal Solutions to prepare an application for funding for its water treatment plant upgrade project through the NYS Water Infrastructure Improvement Act - NYS Water Grants program.
2. The Village of Pawling Board of Trustees hereby authorizes Mayor Robert Liffland to execute the application for NYS Water Grant Assistance
2. This resolution shall take effect immediately.

Dated: August 17, 2015

Introduced by: Trustee John Burweger

Seconded by: Trustee Dan Peters.

All were in favor and the Resolution passed.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PAWLING

Identifier: Initial SEQR Resolution for Dam and Reservoir Improvements for Upper Reservoir (85 Tracy Rd) and the Lower Reservoir (192 Reservoir Rd) Designation of Lead Agency

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

WHEREAS, the Village of Pawling ("Village") has determined the need to increase the capacity of its water supply to serve the needs of Village residents and commercial customers, and has caused certain applications, engineering and environmental studies to be prepared and filed to advance the purpose of expanding the public water supply system; and

WHEREAS, a Short Environmental Assessment Form ("SEAF") has been filed with the Village Board of Trustees ("Village Board") as required by 6 NYCRR §617.6(a)(2) to initiate the mandatory environmental review prescribed by the State Environmental Quality Review Act ("SEQR") for the proposed project (*Annexed hereto as Exhibit "A"*);

WHEREAS, this resolution will initiate the SEQR process for the actions contemplated by the Village as set forth in the SEAF; and

WHEREAS, the Upper Reservoir is located at 85 Tracy Road in the Town of Pawling ("Town") and the Lower Reservoir is located at 192 Reservoir Rd. in the Town, both reservoirs are owned by the Village, which intends to expand the combined water impoundment capacity of the reservoirs by 6 million gallons by dredging accumulated silt and making repairs and

necessary improvements to pipes and mechanical systems, and the earthen dam structure, which work requires various permits from NYS DEC and other agencies; and

WHEREAS, the Village Board has undertaken an initial review of the action as required by 6 NYCRR §617.6 of the New York State Environmental Quality Review Act (“SEQR”); and

WHEREAS, the Village Board has reviewed the SEQR regulation’s list of Type I actions and is of the opinion the project does not exceed any Type I thresholds as identified in 6 NYCRR Part 617.4; and

WHEREAS, the Actions comprising the Project involve one or more agencies, including but not necessarily limited to the Village Board, the New York State Department of Environmental Conservation, the New York State Historic Preservation Office and the United States Department of Agriculture (“USDA”); and

WHEREAS, the details of the Project are contained in the engineering report entitled “**Village of Pawling Reservoir Improvements**” and bearing the date June 8, 2015, prepared by Zarecki & Associates, LLC, which is annexed hereto and made a part of this resolution; and

WHEREAS, the Village of Pawling Board of Trustees desires to act as Lead Agency for the purpose of conducting the SEQR review;

NOW THEREFORE, IT IS

RESOLVED: that the Village Board hereby makes a preliminary classification of the Action as an “Unlisted Action” as such term is defined in 6 NYCRR sec. 617.2 (ak); and it is

RESOLVED: that the Village Board hereby declares its intention to be Lead Agency for the purpose of conducting the SEQR review of the Actions; and it is

RESOLVED, that the Village Board authorizes and directs the prompt transmission of the SEAF with respect to the Action to all involved agencies, together with correspondence declaring the Village Board’s intention to be lead agency for the purpose of conducting a coordinated SEQR review with respect to the Actions and notifying such involved agencies that a lead agency must be agreed upon within 30 calendar days of the date the EAF is transmitted to them; and it is

RESOLVED, that the Mayor and Deputy Mayor of the Village are each individually authorized to execute such documents and take such lawful actions as either such officer may deem convenient, necessary or advisable in order to effectuate the foregoing resolutions, which actions may include without limitation seeking consents from other involved agencies to the designation of the Village as lead agency with respect to the Action.

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

Mayor Robert Liffland	Absent
Deputy Mayor Stan Mersand	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
<i>Vacant.</i>	

The Resolution passed.

There was discussion on hiring a company to do the landscaping in the median on Charles Colman Boulevard. Trustee Peters said he wanted it to be maybe once or twice a month from April through September or October with a Spring clean up as well. Trustee Peters said he would speak to the attorney about bidding requirements and if bidding was not necessary he would hire a contractor.

Deputy Mayor Mersand reported that DS Electric will donate their time and vehicle to hang the art banner signs in the median.

MOTION by Trustee Peters to approve the minutes from July 20, 2015 and August 3, 2015. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to adjourn the meeting and go into Public Comment at 7:36 P.M. **SECONDED** by Trustee Peters. There was no discussion; all were in favor and the motion carried.

Village Clerk