

DATE OF MEETING: September 21, 2015
PLACE OF MEETING: Village Hall, Pawling, New York
MEMBERS PRESENT: Mayor Robert Liffland
Trustee Stan Mersand
Trustee John Burweger
Trustee Earl Slocum

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

Ms. Amy Farrell thanked the Board for their support with placing the art banners on Charles Colman Boulevard. There was discussion on finding a better way to secure them to the poles.

There was discussion on the proposed Property Maintenance Local Law.

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

Identifier: Introducing Local Law Adding Chapter 65 of the Village Code Entitled “Property Maintenance” to protect the visual environment of the Village’s neighborhoods.

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 21st day of September, 2015, at 7:00 p.m., Trustee Mersand moved and Trustee Slocum seconded the following resolution, to introduce the following proposed local law, to be known as Introductory Local Law No. 3 of 2015, entitled “A Local Law Adding a New Chapter 65 of the Code of the Village of Pawling, entitled “Property Maintenance;”

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

Section 1. The Code of the Village of Pawling is hereby amended to add a new Chapter 65 entitled “Property Maintenance,” providing as follows:

1. Purpose
2. Applicability
3. Interpretation
4. Definitions
5. Minimum Standards
6. Inspections by Building Inspector
7. Non-Compliance with Chapter - Notice
8. Sign on Building
9. Building to be Vacated
10. Unlawful to Remove Sign
11. Right of Appeal
12. Non-Compliance with Chapter-Remedy of Defects
13. Demolition of Buildings
14. Vacated Dwelling to be made Secure
15. Non-Compliance with Chapter-Transfer of Ownership of Non-Complying Buildings

16. Violations; Penalties
17. Separability

1 PURPOSE.

The general purpose of this chapter is to protect the public health, safety, morals and the general welfare of the residents and visitors of the Village of Pawling. These general objectives include, among other, the following specific purposes:

- (1) To protect the character and stability of all areas within the Village.
- (2) To provide the minimum standards necessary to the health and safety of persons occupying or using buildings, structures or premises.
- (3) To provide minimum standards for the exterior maintenance of all buildings, structures and exterior premises, and to thus prohibit the spread of slums and blight.
- (4) To declare that buildings, structures and adjacent exterior property which have become or are becoming deteriorated, dilapidated, neglected, fire hazards, a vermin or rodent harborage, or unsanitary are detrimental to the health, safety, morals and welfare of the residents of this community.
- (5) To preserve the value of land and buildings throughout the Village.
- (6) To encourage a visual environment that is inviting to tourists and patrons of local businesses.

2 APPLICABILITY.

Every yard, building, structure and its premises shall conform to the requirements of this chapter, irrespective of the property assessment class to which such yards, building, structure and premises may otherwise belong, and irrespective of when such building may have been constructed, altered or repaired.

3 INTERPRETATION.

This chapter establishes minimum standards for maintenance of yards, buildings, structures and premises and does not replace or modify standards otherwise established for the construction, replacement or repair of buildings and structures except such as are in conflict with the provisions of this chapter. Any inconsistency or conflict between the provisions of this chapter and any other provision of this Code or other existing ordinance shall not repeal such provision or ordinance; but the provisions of this chapter shall be in addition thereto. This chapter shall be construed consistently with, not in conflict with the Property Maintenance Code of the State of New York, as amended.

4 DEFINITIONS.

For the purpose of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

- (1) **ACCESSORY STRUCTURE.** A structure detached from and subordinate to the main or

principal structure and located on the same lot, including, but not limited to, garages, storage sheds, carports, fences, retaining walls, garden trellis and any other exterior appurtenance located on the lot.

(2) BASEMENT. That portion of a building the floor line of which is below the surface of the ground immediately adjoining it and its ceiling not more than four feet above lot grade.

(3) BUILDING. A structure built for the support, shelter or enclosure of persons, animals or chattels including all mechanical and electrical appurtenances.

(4) DETERIORATION. The condition or appearance of a building or structure or part thereof, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint, or other evidence of decay or neglect.

(5) EXTERMINATION. The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the proper authorities

(6) FENCE. An independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of a lot or lots and includes a wall or latticework screen but excludes a hedge or natural growth, or a barrier less than eighteen inches in height which is used to protect plant growth.

(7) FORECLOSURE. The legal proceeding by which real property is sold at a judicial sale to satisfy the debt on a loan secured by such real property.

(8) GARBAGE. Garbage is all waste, animal, fish, fowl or vegetable matter incident to and resulting from the use, preparation and storage of food for human consumption.

(9) MORTGAGEE. The creditor, including but not limited to service companies, lenders in a mortgage agreement and any agent, servant, or employee of the mortgagee, or any successor in interest and/or assignee of mortgagee's rights, interest or obligations under a mortgage loan agreement.

(10) NOTICE OF DEFAULT. A written notice that a default has occurred under a mortgage and that the Mortgagee intends to proceed with a foreclosure sale.

(11) OCCUPANT. Any person occupying or having use of a building, structure, premise or any part thereof.

(12) OWNER. Any person who alone, jointly, or severally with others, shall hold title to a building, structure or premise, or who shall be in actual possession of, or have charge, care or control of a building, structure or premises as employee or agent of the title holder, or who shall be trustee or guardian of the estate or person of the title holder.

(13) OPERATOR. Operator shall mean any person who has charge, care or control of a building, structure or premises or part thereof.

(14) PERSON. The word "person" shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals, including a personal

representative, receiver or other representative appointed according to law. Whenever the word "person" is used in any section of this chapter prescribing a penalty or fine, as to partnerships or association, the word shall include the partners or members thereof, and as to corporations, shall include the officer, agents or members thereof who are responsible for any violation of such section.

(15) PROVIDED. Any material furnished, supplied, paid for or under the control of the owner.

(16) REPAIR. To restore to a state of operation, serviceability or appearance in conformity with this Code.

(17) REPLACE. To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.

(18) RUBBISH. Rubbish is the miscellaneous waste material, combustible and non-combustible, resulting from housekeeping and ordinary mercantile enterprises, and includes boxes, cartons, excelsior, paper, ashes, cinders, tin cans, bottles and broken glass, rubber, grass clippings, brush, leaves and garden plants.

(19) STRUCTURE. Anything constructed or erected which requires location on the ground or is attached to something having location on the ground, including a building, fence, free standing wall, sign or other advertising medium, whether detached or projecting.

(20) SUBSTANDARD. All buildings which do not conform to the minimum standards established by this chapter and by any other provision of this Code or ordinances or by State of New York Administrative Code.

(21) SUPPLIED. Shall mean paid for, furnished, or provided by or under the control of the owner or operator.

(22) YARD An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line, and/or street line.

(23) MEANING OF CERTAIN WORDS. Whenever the words "building", "structure", "premises", are used in this Chapter, they shall be construed as though they were followed by the words "or any part thereof".

5 MINIMUM STANDARDS.

It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy or use any building, structure or premises which does not comply with each of the following requirements of this chapter:

(I) FOUNDATIONS, EXTERIOR WALLS AND ROOFS. The foundation shall be substantially water tight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be substantially water tight, weather tight, protected against rodents, kept in good condition and repair and shall be free of deterioration, holes, breaks, loose or rotting boards or timber, and any other condition which might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the dwelling. All exterior wood surfaces shall be protected by paint, stain or

other water and weather resistant treatment. Every roof shall be water tight, weather tight, kept in good condition and repair, and have no dangerous defects. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls. All cornices, copings, parapets, moldings, belt courses, lintels, sills and similar projections shall be kept in good repair, free from cracks or defects which make them hazardous or dangerous.

(2) WINDOWS, DOORS AND HATCHWAYS. Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed window, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition and repair. Door hinges and door latch shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.

(3) SCREENS. From June 1st to September 15th, screens shall be installed on doors or windows when they are opened for ventilation. Screening shall be at least a 14 mesh and shall be attached to its frame in such manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frame so as not to allow the passage of insects or rodents. Screens shall be provided with positive attachment devices to insure that inserts will not fall from or be dislodged from the door or window frame. A self-closing device shall be provided for screen doors.

(4) STAIRWAYS AND PORCHES. Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.

(5) CHIMNEYS. Every chimney and chimney flue shall be in good and safe condition and repair. Masonry chimneys shall have caps to prevent moisture from entering the masonry.

(6) GRADING AND DRAINAGE OF LOTS. Every yard, court, driveway or other portion of the lot shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

(7) YARDS. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn, ground cover, vegetation, hedges, bushes, or other vegetation, maintained as necessary to create a neat and attractive appearance. All weeds and grasses shall be kept cut to a height not to exceed six (6) inches. The Village may cause all weeds and grasses in excess of six inches to be cut and removed and any dead or overgrown brush to be removed and the cost thereof charged to the property provided that the Building Inspector first provides written notice to cure the condition to the property owner, at the property taxpayer's address, at least five (5) days in advance. This provision shall not apply to farms, grazing land or parcels of land consisting of six (6) acres or more, located within the Village.

(8) INFESTATION. Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation, and shall not permit the entrance of such rats, mice, termites and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.

(9) EXTERIOR APPEARANCE. Every building and structure shall be kept neat and attractive in appearance. All wooden portions shall be painted, stained or receive other similar treatment as often as necessary to maintain such appearance. Siding materials shall be kept in good repair and conditions with no missing pieces. Stone, brick or other masonry shall be kept adequately pointed and maintained. Graffiti must be removed from exterior surfaces.

(10) REFUSE, GARBAGE AND RUBBISH STORAGE REQUIREMENTS. Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. No occupant shall accumulate rubbish, boxes, lumber, metal or other materials which may provide harborage for rodents or vermin. To the extent possible, no refuse, garbage or rubbish containers or storage structures shall be visible from the street. Refuse, garbage and rubbish cannot be placed on the street for pick-up more than 24 hours prior to pick-up and empty containers must be removed within 24 hours after pick-up.

(11) ACCESSORY STRUCTURES. Every accessory structure shall be kept in good condition and repair, shall not obstruct a safe means of access to any building or structure, shall not create fire or safety hazards and shall not provide rat or vermin harborage. All accessory structures which are in deteriorated condition and which are not repairable shall be removed.

6 INSPECTIONS BY BUILDING INSPECTOR

The Building Inspector or his designated representative is authorized and upon receipt of signed written complaint shall make exterior inspections to determine whether the yards, buildings, structures and premises located within this Village conform to the requirements of this chapter. For the purpose of making such exterior inspections, the Building Inspector is authorized to enter, examine and survey at all reasonable times yards, the exterior portions of all buildings, structures, and premises. Every owner or occupant shall give the Building Inspector free access thereto at all reasonable times for the purpose of such inspection, examination and survey. In the event the owner or occupant shall refuse access to any said premises, then the Building Inspector or his delegated representative shall have authority to enter any of such premises after written notice has been given to the owner, occupant, or his agent. If after such notice is given and access is denied, the Building Inspector may apply to the proper court for an administrative inspection warrant.

7 NONCOMPLIANCE WITH CHAPTER - NOTICE

Whenever the Building Inspector determines that there is reasonable cause to believe that there has been a violation of any provision of this chapter, he will give notice of such alleged violation to the owner or occupant responsible therefor which shall:

- (1) Be in writing;
- (2) Indicate the nature of the violation(s);
- (3) Indicate the time for the correction of the violation in accordance with Section 12;
- (4) Be served upon the owner or his agent, or the occupant or operator, as the case may require. Such notice shall be deemed to be a properly served upon such owner, or agent, or occupant, or operator, if a copy thereof is:

- (a) Served upon him personally, or
- (b) Sent by registered or certified mail to his last known address, and
- (c) Posted in a conspicuous place in or about the building or structure affected by notice.

8 SIGN ON BUILDING

Whenever-

- (1) Any building, structure or premises does not substantially comply with the requirements of this chapter; and
- (2) The Building Inspector has given notice of the violations involved as provided for in Section 40.7 herein; and
- (3) If the owner, occupant and operator have failed to correct the violations set forth in said notice; and
- (4) The Building Inspector has further determined that the building, structure or premises are so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public, and is therefore unfit for use and occupancy, then the Building Inspector shall cause to be placed upon said building, structure, or premises a sign, the form of which shall be determined by the Building Inspector, but which will substantially state the specific violations of this chapter and will further state the determinations of the Building Inspector as to the building, structure or premises being unfit for use or occupancy.

9 BUILDING TO BE VACATED.

Any building, structure or premises which has been determined by the Building Inspector to be so damaged, decayed, dilapidated, unsafe or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public, and is therefore unfit for use or occupancy, and which said building, structure or premises have been posted by the Building Inspector pursuant to Section 8 herein, shall be vacated within such reasonable time as is determined and ordered by the Building Inspector.

No building, structure or premises which has been determined by the Building Inspector as unfit for use or occupancy and posted as provided in Section 8 herein again be used or occupied until written approval is secured from, and such sign is removed by, the Building Inspector. The Building Inspector shall grant such approval and remove such sign in the event that the violations have been corrected and the Building Inspector determines that the building, structure or premises is fit for use or occupancy.

10 UNLAWFUL TO REMOVE SIGN.

No person shall deface or remove the posted sign from any building, structure or premises which has been placed by the Building Inspector pursuant to Section 8, except for the removal by the Building Inspector under the conditions as set forth in Section 9.

11 RIGHT OF APPEAL.

Any person affected by any notice or order relating to violations under this chapter or any determinations of the Building Inspector may request and shall be granted a hearing on the matter before the Village Board under the procedure set forth in applicable statutes and decisional law.

12 NONCOMPLIANCE WITH CHAPTER – REMEDY OF DEFECTS.

The owner, occupant or operator of any building, structure or premises shall have thirty days from issuance of the notice as provided for in Section 7 in which to remedy the violations there specified.

It shall be unlawful for any person to fail to comply with any order of the Building Inspector contained in the notice described in said Section 7. In the event that the Building Inspector shall determine, in his discretion, that the owner, occupant or operator is, within said thirty days, making a good faith effort to correct the violations, he may extend the time for compliance.

Notwithstanding the thirty day provision in the preceding paragraph, in the event that the Building Inspector shall determine that the violations of requirements of this Code present a clear and present danger to the health or safety of the occupants or of the public, the Building Inspector may indicate in the notice under Section 7 that the violations must be corrected immediately; and may provide with the posting as provided in Section 8 and the ordering of the vacation of the building, as provided by Section 9 immediately following the giving of the notice as required by Section 7.

13 REMOVAL OF BUILDINGS.

The procedure for ordering demolition of buildings or structures is prescribed in chapter 14 of the Code of the Village, Unsafe Buildings.

14 VACATED DWELLINGS TO BE MADE SECURE.

The owner, occupant or operator of every building, structure or premises which has been declared by the Building Inspector to be unfit for use or occupancy shall make said building, structure or premises safe and secure so that it shall not be dangerous to human life and shall not constitute a fire hazard or public nuisance. Any such vacant building or structure open at doors or windows, if unguarded, shall be deemed to be dangerous to human life as a fire hazard and a public nuisance within the meaning of this provision. If the owner, occupant or operator of such building, structure or premises shall, after notice and order by the Building Inspector, refuse or fail to make such provisions, then the Building Inspector shall cause such work to be done and certify the cost thereof to the Village Clerk, who shall levy such cost against the property upon the next tax roll of the Village and Town of Pawling.

15 NONCOMPLIANCE WITH CHAPTER - TRANSFER OF OWNERSHIP OF NON-COMPLYING BUILDINGS.

It shall be unlawful for the owner of any building, structure or premises who has been served a notice of violation and order to remedy violation to sell, transfer, mortgage, lease or otherwise transfer to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the grantee, transferee, mortgagee, or lessee a true copy of any compliance or notice of violation issued by the Building Inspector and shall furnish to the Building Inspector a signed a notarized statement from the grantee,

transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

16 PENALTY.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Section 4 of this chapter, in addition to any specific penalty provided herein. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. As and for a further penalty for any violation of this or any other provision in the Village Code, the Village Board may authorize the mayor or designee to, after providing notice in person or via United States mail to the last known owner of the property at least two (2) business days in advance, perform such work on said property as is required to render the property compliant with this chapter. The reasonable actual cost of such work plus 5% of such costs to cover the cost of inspection and other additional costs shall be billed to the last known property owner and such bill shall be due and payable within fifteen (15) days after it has been mailed. Amounts due after said period of time shall be delinquent and shall become a lien upon the property and form part of the taxes next to be assessed and levied upon such property, parcel, lot or land and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officer and in the same manner as taxes.

The Village may, subject to the approval of the judge, elect to enter into an order of settlement on consent of the defendant, by which a defendant may consent to a plan to remedy violation(s) of this chapter in accord with requirements, limitations and penalties as defined in the consent order, and which may include a civil compromise to reimburse the Village for costs of enforcement, and upon successful and timely satisfaction of the obligations stated in the consent order the charges for violations of this chapter may be dismissed by the court.

17 SEPARABILITY.

If any section or subsection, sentence, clause, phrase or any other part of this chapter if for any reason held by a court to be void or invalid, such annulment shall not impair the validity of the remaining portion of the chapter. The Village Board hereby declares that it would have passed this chapter, each section, subsection, clause, sentence and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentence, clause or phrase or other parts be declared void or invalid.

In the event of a conflict between this chapter and another chapter of the Village Code, the more restrictive provision shall prevail.

Section 3. 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 is necessary to hold a public hearing upon this proposed local law.

Trustee Mersand offered the following resolution, which was seconded by Trustee Slocum, to move its adoption:

WHEREAS, Trustee Mersand has introduced this Introductory local law for the Village of Pawling, to be known as Village of Pawling Introductory Local Law No. 3 of 2015, entitled "A

Local Law Adding a New Chapter 65 to the Code of the Village of Pawling, entitled "Property Maintenance";

RESOLVED, that a public hearing be held in relation to the proposed amendments as set forth in the form of notice, hereinafter provided, at which hearing parties in interest shall have an opportunity to be heard, to be held at the Village Hall on October 5, 2015, at 7 o'clock p.m., Prevailing Time, and that notice of said hearing 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 October 5, 2015, at 7 o'clock p.m., Prevailing Time on Introductory Local Law No. 3 of 2015, entitled "A Local Law Adding a New Chapter 65 to the Code of the Village of Pawling, entitled "Property Maintenance"", which local law authorizes the building inspector to administer regulations to encourage the improvement of the visual environment of the Village of Pawling, by encouraging building and yard maintenance practices;

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

DATED: Pawling, New York
September 21, 2015
Jennifer Osborn, Village Clerk

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

Mayor Liffland	Aye
Trustee Burweger	Aye
Trustee Peters	Absent
Trustee Mersand	Aye
Trustee Slocum	Aye

Motion made by Trustee Mersand and **seconded** by Trustee Burweger to adopt a resolution authorizing, subject to permissive referendum, the reconstruction and resurfacing of roads in and for the Village of Pawling, Dutchess County, New York, at a maximum estimated cost of \$78,500 and authorizing the issuance of \$78,500 serial bonds of said village to pay the cost thereof.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; 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, as follows:

Section 1. The reconstruction and resurfacing of roads in and for the Village of Pawling, Dutchess County, New York, including incidental improvements and expenses, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$78,500.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$78,500 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20 subsection (c) 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. 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 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the Poughkeepsie Journal, 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 10. **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:

Trustee Daniels Peters	Absent
Trustee John Burweger	Aye
Trustee Stan Mersand	Aye
Trustee Earl Slocum	Aye
Mayor Robert Liffland	Aye

The resolution was thereupon declared duly adopted.

Motion made by Trustee Slocum and and **seconded** by Trustee Burweger to adopt a resolution authorizing, subject to permissive referendum, the reconstruction and replacement of a water supply or distribution system in and for the Village of Pawling, Dutchess County, New York, at a maximum estimated cost of \$68,500 and authorizing the issuance of \$68,500 serial bonds of said village to pay the cost thereof.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; 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, as follows:

Section 1. The reconstruction of a water supply or distribution system for the in and for the Village of Pawling, Dutchess County, New York, including incidental improvements and expenses, is hereby authorized, **SUBJECT TO PERMISSIVE REFERENDUM**, at a maximum estimated cost of \$68,500.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$68,500 serial bonds of said Village, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is forty years, pursuant to subdivision 1 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. 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 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 8. 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 9. Upon this resolution taking effect, the same shall be published in summary form in the Poughkeepsie Journal, 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 10. **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:

Trustee Daniels Peters	Absent
Trustee John Burweger	Aye
Trustee Stan Mersand	Aye
Trustee Earl Slocum	Aye
Mayor Robert Liffland	Aye

The resolution was thereupon declared duly adopted.

MOTION by Trustee Burweger to table the topic of the proposed Unsafe Building Local Law. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

Mayor Liffland reported that he had invited representatives from Pawlingtaxcut.org to discuss solutions to what they see as problems within the village. No representative from the organization was present.

MOTION by Trustee Mersand to approve the renewal of the insurance policies with Principal Financial Group. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to reappoint Michael Ludington to the Board of Commissioners for the Pawling Fire District. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to approve the minutes from August 17, 2015 and September 8, 2015. **SECONDED** by Trustee Burweger. 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 August 2015. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Burweger to approve payment of the Metro North bills in the amount of \$1,001.62. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

MOTION by Trustee Mersand to adjourn the meeting and go into Public Comment at 7:50 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Village Clerk