

DATE OF MEETING: January 16, 2018  
PLACE OF MEETING: Village Hall, Pawling, New York  
MEMBERS PRESENT: Mayor Robert Liffland  
Trustee John Burweger  
Trustee Dan Peters  
Trustee Earl Slocum  
Trustee Lauri Taylor

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

The following resolution was offered by Trustee Peters, who moved its adoption, seconded by Trustee Slocum, to-wit:

BOND RESOLUTION DATED JANUARY 16, 2018.

A RESOLUTION AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$2,630,000 BONDS OF THE VILLAGE OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE INCREASED COST OF THE CONSTRUCTION OF ADDITIONS TO AND RECONSTRUCTION OF THE VILLAGE SEWAGE TREATMENT PLANT IN AND FOR SAID VILLAGE.

WHEREAS, the Board of Trustees of the Village of Pawling, Dutchess County, New York, on January 29, 2014, duly adopted a bond resolution authorizing the issuance of \$6,500,000 bonds of said Village to pay the cost of the construction of additions to and reconstruction of the Village sewage treatment plant, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith; and

WHEREAS, said Board, on June 6, 2016, duly adopted a bond resolution authorizing the issuance of \$6,770,000 bonds of said Village to pay the increased cost of the aforementioned project; and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$15,900,000, an increase of \$2,630,000 over that previously authorized; and

WHEREAS, it is now desired to authorize the issuance of an additional \$2,630,000 bonds of said Village to pay costs thereof; 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. For the object or purpose of paying additional costs for increased cost of the construction of additions to and reconstruction of the Village sewage treatment plant in and for said Village, there are hereby authorized to be issued an additional \$2,630,000 bonds of the Village of Pawling, Dutchess County, New York, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now determined to be \$15,900,000 and that the plan for the financing thereof is as follows:

- a) by the issuance of the \$6,500,000 bonds of said Village authorized to be issued pursuant to a bond resolution dated and duly adopted January 29, 2014;
- b) by the issuance of the \$6,770,000 bonds of said Village authorized to be issued pursuant to a bond resolution dated and duly adopted June 6, 2016; and
- c) by the issuance of the additional \$2,630,000 bonds of said Village hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law; provided, however, the amount of bonds ultimately to be issued shall be reduced dollar for dollar by grants received in connection therewith.

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, calculated from June 25, 2015, the date of issuance of the first obligations for said specific object or purpose; accordingly, the maximum maturity of the bonds authorized herein will not exceed five years.

Section 4. The faith and credit of said Village of Pawling, Dutchess County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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 obligations 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 in said Village a tax sufficient to pay the principal of and interest on such obligations 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. 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. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Village Treasurer, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as the Village Treasurer shall deem best for the interests of said Village; provided, however, that in the exercise of these delegated powers, the Village Treasurer shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Village Treasurer shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. 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 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, which takes effect immediately, 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.

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 Dan Peters	VOTING	Aye
Trustee John Burweger	VOTING	Aye
Trustee Earl Slocum	VOTING	Aye
Trustee Lauri Taylor	VOTING	Aye

The resolution was thereupon declared duly adopted.

***Identifier: Resolution Awarding Contracts for WWTP Expansion to OCS et al.***

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

**WHEREAS**, a bid opening was held by the Pawling Joint Sewer Commission (“PJSC”) on December 22, 2017 for the four prime contracts comprising the expansion of the Village of Pawling Wastewater Treatment Plant (“WWTP Expansion Project”), and

**WHEREAS**, the bids that were received and opened by PJSC on December 22, 2017 were evaluated by the engineering firms engaged by the PJSC to prepare the bid specifications and contract documents, who then prepared the bid tabulation and the recommendations for designation of the lowest responsible bidders for each of the four prime contracts comprising the WWTP Expansion Project, which recommendations of lowest responsible bidders and bid tabulation prepared by the Chazen Companies, dated January 5, 2018, are annexed hereto as Exhibit “A” (also referred to as “Chazen Recommendation”); and

**WHEREAS**, Exhibit “A” the Chazen Recommendation proposed that the four contracts comprising the WWTP Expansion Project be awarded by the Pawling Joint Sewer Commission

and the Village of Pawling Board of Trustees to the construction firms recommended as lowest responsible bidders in the said Exhibit A; and

**WHEREAS**, the qualifications of each low bidder as a “responsible” bidder as required by section 103 of the general municipal law are attached to Exhibit “A” (the Chazen Recommendation) as the responses of each low bidder to the requests in the bidding documents for information about the bidder’s experience and responsibility, which evidence of qualifications has been inspected by the PJSC commissioners and the trustees of the Village to form the basis for this resolution designating the lowest responsible bidder for each of the four prime contracts; and

**WHEREAS**, at a regular meeting of the Pawling Joint Sewer Commission held on January 11, 2018, a resolution was adopted by the PJSC to award the four prime contracts for the WWTP Expansion Project as recommended in the Chazen Recommendation, and to confirm the designation of each of the four low bidders as “responsible” as provided in section 103 of the general municipal law, subject first to the adoption by the Village of Pawling Board of Trustees of a bond resolution increasing the maximum project cost<sup>1</sup> and a resolution of the Board of Trustees confirming the awarding of the four prime contracts as designated by the PJSC; and

**WHEREAS**, the recommendation in Exhibit “A” excludes Add Alternate No. 6-Digester No. 3 which work will be undertaken at a later date as determined in the judgment of the PJSC; and

**WHEREAS**, the board of trustees has conducted two coordinated environmental reviews of the WWTP Expansion Project as Lead Agency pursuant to the requirements of the State Environmental Quality Review Act (SEQR) since 2013, and twice has determined that the project will result in no significant environmental impacts, and such revised maximum cost of the WWTP Expansion Project to be authorized by the bond resolution approved by the board of trustees at this meeting does not require a change in scope to the project previously approved and as such, no further action under the State Environmental Quality Review Act (“SEQR”) is required; the project having previously been determined to be a Type I Action under SEQR for which negative declarations were made by the Lead Agency and such previous negative declarations shall be deemed to apply to this resolution and the third bond resolution being contemporaneously adopted at this meeting; and

**WHEREAS**, the WWTP Expansion Project has become subject to a NYS Department of Environmental Conservation (“DEC”) administrative enforcement consent order dated April 21, 2017,<sup>2</sup> requiring completion of improvements to the WWTP subject to a mandatory Corrective Action Plan, but does not specify that SEQR compliance is necessary for the completion of the improvements, meaning that SEQR compliance for the third bond resolution and this resolution awarding contracts for the WWTP Expansion Project is not necessary for the additional reason that 6 NYCRR 617.5(c)(29) (“SEQR Regulation”) includes “a particular course of action specifically required to be undertaken pursuant to a judgment or order, or the exercise of prosecutorial discretion” as a Type II action exempt from SEQR compliance;

---

<sup>1</sup> The WWTP Expansion Project requires an increase of the maximum project cost to \$15,900,000.00 in a bond resolution to be adopted by the board of trustees at this same meeting on January 16, 2018. The scope of the Project has not been increased, and remains as originally proposed in 2014.

<sup>2</sup> NYSDEC Case No. R3-20170316-18

**NOW, THEREFORE, BE IT RESOLVED** that the board of trustees, after due investigation, confirms the designations recommended in Exhibit "A" as lowest responsible bidders for the construction of the expansion of the Village of Pawling Wastewater Treatment Plant, (except EXCLUDING Add Alternate No. 6- Digester No. 3), and approves the letting of contracts to each lowest responsible bidder designated as such in Exhibit "A"<sup>3</sup>, to take effect immediately upon conclusion of the voting on the Resolution by the Trustees, and the board of trustees authorizes the issuance of a Notice of Award to each designated lowest responsible bidder as recommended in this Exhibit A attached hereto, subject to the sound discretion of the PJSC chairman and the prompt execution of the necessary contracts for each prime contract.

\*\*\*\*\*

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

Mayor Rob Liffland	Aye
Trustee Dan Peters	Aye
Trustee John Burweger	Aye
Trustee Earl Slocum	Aye
Trustee Lauri Taylor	Aye

The resolution was thereupon declared duly adopted.

***Identifier: Resolution of Pawling Joint Sewer Commission and Village of Pawling supporting an application for financial assistance from the Dutchess County Partnership in Manageable Growth Program.***

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

**WHEREAS**, the Dutchess County Legislature created the Partnership in Manageable Growth Program to assist DCWWA and Municipalities plan and implement Manageable Growth in 1999 and most recently revised the program in 2015; and

**WHEREAS**, Applicants are required by Municipal Resolution to affirmatively agree to certain conditions prerequisite to award; and

**WHEREAS**, Pawling is a Greenway Compact Community; and

**WHEREAS**, PJSC and the Village of Pawling have worked long and hard over the past decade to plan, design and receive approval for a replacement of the failing and inadequate Joint WWTP; and

**WHEREAS**, PJSC and the Village of Pawling believe that the WWTP replacement project either was identified in the 1992 Dutchess County Water and Wastewater Plan or that

---

<sup>3</sup> The designations of lowest responsible bidder from Exhibit "A" are: Contract 1 General Construction- OCS Industries, Inc.; Contract 2 Plumbing Construction- S&O Construction Services, Inc.; Contract 3 HVAC Construction- S&O Construction Services, Inc.; and Contract 4 Electrical Construction- J&J Sass Electric, Inc.

this project will be determined by DCWWA to address a need that was identified after the 1992 study was complete; and

**WHEREAS**, the PJSC WWTP is neither owned nor operated by the DCWWA; and

**WHEREAS**, the application submitted by PJSC and the Village of Pawling demonstrate that both entities have explored and committed maximum community, district, and other available financial resources to the project; and

**WHEREAS**, PJSC and the Village of Pawling now desire to apply for financial support from Dutchess County for the construction of the replacement WWTP.

**NOW, THEREFORE, BE IT RESOLVED**; PJSC and the Village of Pawling agree to work with the DCWWA to maximize the subject systems integration into a regional water and wastewater infrastructure solution, whenever feasible, and enter into a monitoring agreement with the DCWWA.

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

Mayor Robert Liffland	Aye
Trustee Dan Peters	Aye
Trustee John Burweger	Aye
Trustee Earl Slocum	Aye
Trustee Lauri Taylor	Aye

The resolution was thereupon declared duly adopted.

**MOTION** by Trustee Peters to approve the waiver of penalty for Water Account No. 156 in the amount of \$13.96. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Burweger to approve the Metro North Treasurer's Report for December 2017. **SECONDED** by Trustee Slocum. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Slocum to approve payment of the Metro North bills in the amount of \$90.82. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Taylor to adjourn the meeting and go into Public Comment at 7:07 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

---

Village Clerk