

DATE OF MEETING: January 7, 2019

PLACE OF MEETING: Village Hall, Pawling, New York

MEMBERS PRESENT: Mayor Robert Liffland  
Trustee John Burweger  
Trustee Dan Peters  
Trustee Lauri Taylor

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

**MOTION** by Trustee Peters to close the regular session and go into the Public Hearing to consider any objections or comments concerning the rate schedule in connection with the operation and maintenance costs of the sewerage system: said rate schedule is proposed to be set at \$856,791.00 and to consider and approve the apportionment of the debt retirement costs of the sewerage system of the Village of Pawling Sewer District No. 1 in the amount of \$236,338.00 at 7:00 P.M. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

Trustee Peters said the Commission worked hard with their professionals on the budget and arrived at a good number. He said there were really no changes for anybody and moving forward it would get better.

There were no comments from the public.

**MOTION** by Trustee Taylor to close the Public Hearing and return to regular session. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve the rate schedule in connection with the operation and maintenance costs of the sewerage system at a rate schedule of \$856,791.00. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve the apportionment of the debt retirement costs of the sewerage system of the Village of Pawling Sewer District No. 1 in the amount of \$236,338.00. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

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

**WHEREAS**, the Pawling Joint Sewer Commission ("Commission") has determined to improve sewer system billing and collection services, expanding the Sewer District No. 1 service area and updating regulations pertaining to sewer use, which are Type II actions as defined by 6 NYCRR Section 617 and are thereby exempt from SEQRA, and the Village of Pawling Board of Trustees ("Board") adopts this resolution pursuant to such administrative programming objectives of making existing sewage treatment service available to existing neighborhoods (subdivided) in the Village; and

**WHEREAS**, these improvements are administratively made for the purpose of improving the fairness of the Commission's systems to customers and with respect to the extension of the sewer district, the expansion of sewer service in the village was subject to the SEQRA reviews of the wastewater treatment plant expansion project and the negative declaration at the end of that process, and in addition, the extension of sewer service to existing neighborhoods within the village as an expansion of the existing sewer district is a Type II action pursuant to 6 NYCRR 617-5(c)(11) (**617.5(c)(11)**):

"extension of utility distribution facilities, including gas, electric, telephone, cable, water and **sewer connections to render service in approved subdivisions or in connection with any action on this list;**"

If the extension of utility service is functionally dependent on an action on the Type II list, then all parts of the action constitute the whole action and are not subject to SEQRA. If the destination of the utility line is a Type II action, it is reasonable that extending utility lines to the structure or facility is also Type II;

**NOW, THEREFORE, BE IT RESOLVED** that the Board determines that the enlargement of the sewer district area does not require another SEQRA review, due to Type II action provided for at 6 NYCRR §617-5(c)(11), and to the SEQRA review conducted by the Board of Trustees for the wastewater treatment plant improvements to provide sewage treatment capacity for entire village area, and the upgrade of existing water meters at Cedar Valley (6 NYCRR §617.5(c)(18)), the transition of the billing system to a new computer program and revising existing sewer regulations and fees are Type II actions pursuant to 6 NYCRR §617.5(c)(20) and not subject to further SEQRA review, EXCEPT further SEQRA review may be undertaken when bringing sewer service to unimproved areas of the Village.

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

Mayor Robert Liffland	Aye
Trustee Daniel Peters	Aye
Trustee John Burweger	Aye
Trustee Earl Slocum	Absent
Trustee Lauri Taylor	Aye.

The Resolution was approved.

**MOTION** by Trustee Peters to adopt the following Resolution. **SECONDED** by Trustee Burweger.

INTRODUCTION OF LOCAL LAW TO EXTEND VP SEWER DISTRICT TO ENTIRE VP AREA, BEGINNING WITH RESOLUTION TO PREPARE MAP, PLAN AND REPORT FOR EXTENDED AREA OF DISTRICT, PURSUANT TO MUNICIPAL HOME RULE LAW §10(1)(ii)(e)(3) AND INVOLVING ADDITIONAL PROCEDURES (amending earlier local laws)(see VP LL No. 2 of 1981, LL No. 1 of 1996, LL No. 2 of 1999, LL No. 3 of 1991).

Introductory Local Law 1 of 2019.

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

A local law Creating Village-wide Extension of the Village of Pawling Sewer District No. 1 to Entire Village of Pawling Area shall provide as follows:

Section 1: Pursuant to Municipal Home Rule Law, §10(1)(ii)(e)(3) and superseding the provisions of Article 14 of the Village Law, the Village of Pawling Board of Trustees hereby orders a public hearing to convene on February 4, 2019 and for notice of said public hearing to be posted and published by the village clerk to consider this proposed local law which will, if enacted, establish and create an extension of the Village of Pawling Sewer District No. 1 to be known as "Village-wide Extension of the Village of Pawling Sewer District No. 1". The public hearing notice shall advise the public of the date and place of the hearing, the time and that this proposed local law and the map plan and report prepared by the Village's engineers may be consulted during business hours at the office of the village clerk at 9 Memorial Avenue, Pawling, NY 12564. Form of Notice annexed as Exhibit "A".

Section 2. The boundaries of "Village-wide Extension of the Village of Pawling Sewer District No. 1" shall be co-terminus with the boundaries of the Village of Pawling, County of Dutchess and State of New York.

Section 3. The Mayor and members of the Board of Trustees of the Village of Pawling which serve as the governing body of the Village of Pawling Sewer District No. 1 which also serve as the governing body of the all prior extensions shall serve as the governing body of the entire area of the District as extended by this "Village-wide Extension" of Village of Pawling Sewer District No. 1, and said Mayor and members of the Board of Trustees shall be entrusted with all decision-making responsibilities for the whole of the District No. 1 as extended.

Section 4. The facilities shown on the Map, Plan and Report filed with the Village Board on December 13, 2018 shall be owned by the whole of the area of the Village of Pawling Sewer District No.1 as extended to be co-terminus with the boundaries of the said Village of Pawling.

Section 5. Pursuant to Municipal Home Rule Law §10(1)(ii)(e)(2) the Mayor and members of the Board of Trustees of the Village of Pawling shall have the power to assess the costs of the creation, establishment and maintenance of the whole of the Village of Pawling Sewer District No. 1 area against the property described in Section 2 herein above which is benefited by the system, provided the Mayor and Board of Trustees of the Village of Pawling comply with the requirements of §22-2200 of the Village Law relative to notice, public hearing and right to review prior to the imposition of any assessments, and the said Map, Plan and Report shall prescribe the manner of operation of the said extension of the Sewer District.

Section 6. Repeal of prior ordinances and Local Laws- All ordinances and local laws or any parts thereof of the Village of Pawling inconsistent with the provisions of this local law are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this local law shall be in addition to the other ordinances and local laws regulating and governing the subject matter of this local law. It is expressly intended that the Sewer Use Local Law for the Village of Pawling

Sewer District No. 1 shall remain in full force and effect, including amendments<sup>1</sup>. It is further expressly intended that all sewer ordinances and local laws regulating and governing the subject matter covered by this local law shall remain in full force and effect until amendment pursuant to law.

Section 7. Saving Clause- If any clause, sentence, paragraph or part of this article shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 8. The map, plan and report was prepared by competent engineers licensed as such to practice in the State of New York, and otherwise complies fully with the best practices for maps, plans and reports as described in Town Law §209-c

Section 9. This local law shall take effect upon its filing with the Secretary of State pursuant to §27 of the Municipal Home Rule Law.

Section 10. This local law and notice of hearing will be filed with the Department of Environmental Conservation and the NYS Comptroller pursuant to Town Law §209-d, §209-e, §209-f and Village Law §14-1400 and 14-1432, and may be subject to a referendum on petition as provided in Village Law §14-1432.<sup>2</sup>

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

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

The Resolution was approved.

**MOTION** by Trustee Peters to approve Mayor Liffland executing the 2019 Lease Extension/Amendment Agreement with the County of Dutchess for the DMV office.

**SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to approve Mayor Liffland executing the 2019 Public Water Supply Permit Application. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

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<sup>1</sup> Amendments including but not limited to dated June, 1983, September, 1983, October, 1988, June, 1989, March, 1991, February 1992, February 1994, December 2002 and June, 2007.

<sup>2</sup> Formation of Village of Pawling Sewer District No. 1 and extensions by Local Law 2 of 1981 etc. were not subjected to a permissive referendum procedure and consent by the NYS Comptroller.

The discussion on correspondence received November 15, 2018 from the Oblong Land Conservancy regarding property located on West Main Street, Parcel No. 943088 was tabled until the next meeting.

**MOTION** by Trustee Peters to change the January 22, 2019 meeting date to January 23, 2019 due to a conflict with a Planning Board meeting. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Mayor Liffland to approve the minutes from November 5, 2018 and November 19, 2018. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Taylor to approve payment of the December bills in the amount of \$89,100.93. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to adjourn the meeting at 7:06 PM and go into Public Comment. **SECONDED** by Trustee Taylor. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to open the regular session and close the regular session to go into Executive Session to discuss Personnel at 7:25 PM. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

**MOTION** by Trustee Peters to close the Executive Session and return to regular session and close the meeting at 7:32 PM. **SECONDED** by Trustee Burweger. There was no discussion; all were in favor and the motion carried.

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Village Clerk