

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:30 PM January 20, 2010 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Watson, Mayer and approximately 35 interested citizens.

Supervisor Kelly said representatives of the Ad Hoc Comprehensive Plan Committee were here tonight to present the Comprehensive Plan to the Town Board.

**PRESENTATION
OF
COMPREHENSIVE
PLAN TO TOWN
BOARD**

Councilman Mayer, Chairman of the Comprehensive Plan Committee said the Comprehensive Plan was a product of eighteen months of work by a lot of people. He presented the Comprehensive Plan to the Town Board for their review along with a cover letter. Attached to the plan was a list of agencies/people to refer the plan to. He asked for permission to allow Comprehensive Plan Committee members to speak.

Stan Scherer said being involved with the Comprehensive Plan process was an extremely rewarding experience and he supported the plan. He explained that the Committee used the existing master plan as a base and expanded upon it. The Committee has approved this draft document by a final unanimous vote. He looked forward to the Board's feedback and said the public will have plenty of time to comment on the plan.

Phil DeRosa agreed with Mr. Scherer's comments, saying it was a pleasure to work with the committee members. Although the document was approved unanimously by the Committee, not all Committee members agreed with everything that is in the document but they approved it to move the process forward. He gave certain examples to the Board of items that were not agreed upon by the Committee and felt the Board and public should know that there was not total agreement on the entire document. He explained that Route 22 is the only place where Highway Business is allowed, of which most is pretty much developed and environmentally sensitive. He felt the public needed to understand the document.

Councilman Mayer said he would like permission to go ahead with getting prices to publish the Comprehensive Plan.

Supervisor Kelly said the Board needs to look at how the document will be reproduced and the Board must look at the cost of the distribution. He said Councilman Mayer could go ahead and get prices on how to reproduce the Comprehensive Plan and present that information to the Board.

Supervisor Kelly thanked Councilman Mayer and the Committee members for their work on this project.

Supervisor Kelly said the next item on the agenda was a public hearing on Comcast Cable Franchise. He introduced representatives of Comcast.

**PUBLIC HEARING
ON COMCAST
CABLE
FRANCHISE**

Daniel Glendal, Vice President of Public Affairs in New York and western Massachusetts for Comcast and Sharon Codeanne, Manager of Government Community Relations were present representing Comcast.

Mr. Glendal made a presentation to the Board, explaining that Comcast would like to renew its franchise agreement for continued provisions of cable television services with the Town of Pawling. Some of the provisions that are outlined in the agreement are the franchise fee in the amount of 3% of revenues, free cable services to municipal facilities and extension of cable services to the Strawberry Hill Road area. He would leave documents for the Board's review tonight and he would be happy to answer any questions the Board may have.

Supervisor Kelly said the proposed franchise agreement renewal was put on the Town's website so that residents could review and comment on the proposed agreement and it has been presented to the Town Board. He said the proposed franchise agreement is for fifteen years and asked what would happen if the agreement was not renewed because the original agreement has been expired for some time.

Mr. Glendal said there is a presumptive renewal where the Public Service Commission automatically renews the agreement, which would be in substantial agreement with the terms and conditions of the existing franchise agreement.

Supervisor Kelly asked what would happen if the Town Board requested that the entire Town is covered with service.

Mr. Glendal said his understanding was that the Strawberry Hill area was the only area that was not covered and if there are other areas the Board wants them to look at, they could do that.

Supervisor Kelly said Comcast now provides three services and asked if the Comcast would be amenable to increasing the percentage to the Town.

Mr. Glendal said the percentage according to the Public Service Commission determination, the percentage pertains to cable services and not information services.

Councilman Upham asked when the Strawberry Hill Road work would commence if this goes ahead.

Mr. Glendal said that work was budgeted for this year, beginning in the spring.

Mr. Upham asked if the changes in the company would affect residential rates in Pawling.

Mr. Glendal said there is no intention to raise the residential rate and felt that the changes would improve customer service.

Mr. Upham asked if there were any PFC complaints from the Town of Pawling that are outstanding. He asks because he has heard complaints from residents about Comcast service.

Mr. Glendal said there are no complaints at the moment and there have been very few complaints in the New York Service area. He suggested annual hearings for residents in the community to voice their complaints.

Councilman Watson said he has heard complaints relating to a mailer sent out to residents offering additional services, which when the residents called were not available to them in this area.

Mr. Glendal said all three services are launched from this area so he did not understand that complaint.

Supervisor Kelly asked if over the next five years, more areas could be added and if they could finish the areas that meet certain criteria.

Mr. Glendal said yes, adding he would be open to bringing a construction team and meeting with Town representatives to go over maps and future areas could be reviewed.

Councilman Johnson said the Town has gotten to that point twice in past years and whether it was this company or the previous company, they never come to the table. He personally felt he would like to see such a meeting take place before any contract is accepted.

Supervisor Kelly asked if the franchise fees could be paid quarterly verses semi annually as it is now.

Mr. Glendal felt it could be paid quarterly.

Councilman Upham asked if the corporate rules for expansion are available.

Mr. Glendal said the general rule is twenty homes per area mile and thirty homes for underground mile and that is what they follow.

Councilman Watson asked if the contribution for people with longer driveways to obtain cable service could be discussed.

Mr. Glendal said he would be willing to discuss it but felt that the \$1,700.00 credit Comcast already gives is very generous. His request would be that a meeting be scheduled for discussion on the issues and possibly move toward getting the contract signed in the spring.

The motion to open the public hearing was made by Councilman Johnson, seconded by Councilman Upham, motion passed unanimously.

Stan Scherer said he has been trying to get Comcast service for the past three years and have been promised the construction would be done to install the lines but it has not happened yet.

Mr. Glendal gave Mr. Scherer his contact information so that he may work on Mr. Scherer's issue.

Mr. Scherer asked if there was any town or village that is getting 3% on more than just the cable service.

Harvey Matcovsky hoped the Board would negotiate special rates for senior citizens. He felt that Verizon should not be precluded from coming into Pawling and offering cable to residents.

Henry Walters strongly suggested that the Town of Pawling negotiate a Dutchess County channel through Comcast as the provider does not recognize Dutchess County with a channel. Mr. Walters said he is not happy with Comcast service and he did not agree with paying for digital boxes in order to receive service. He felt competitive providers offered better services and urged the Board to look into alternate providers. He also felt that there should be special rates for senior citizens.

The motion to leave the public hearing open for thirty (30) days for written comments to the Board was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

Councilman Watson said he would ask the people who spoke to him to put their comments and concerns in writing in order for negotiations to move forward.

As there were no further comments from the public, Supervisor Kelly closed the public hearing.

Supervisor Kelly opened the floor for comments on agenda items only and there were none.

Supervisor Kelly read the titles of the resolutions in the consent agenda, which would be voted on by the Board. There are resolutions that would be moved to the non-consent agenda to be discussed. Those were resolution 51, 52, 54, 56, 61 and 62.

The motion to accept all resolutions included the consent agenda was made by Councilman Johnson, seconded by Councilman Watson, motion passed unanimously. Resolutions contained in the consent agenda are below.

Resolution 201045
Resolution Setting Term of Assessment Board of Review Member of the
Town of Pawling

Whereas, Jeff Asher is a member of the Assessment Board of Review of the Town of Pawling, and

Whereas, Resolution 201038 sets the term ending 12/31/15, and

Whereas, the term for the vacancy was extended in Resolution 201038 by one year and three months, now, therefore, be it

Resolved that the new term of the Assessment Board of Review member Jeff Asher expires on 9/30/14.

Resolution 201046
Tax Certiorari – P & D Properties

Whereas, a tentative settlement between The Town of Pawling and P & D Properties through the 2004 through 2009 tax certiorari proceedings, and

Whereas, in the best interest of the Town of Pawling and its residents by the Assessor and Council, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the recommendation of the Town Assessor and Council in a letter dated January 6, 2010 to settle the matter of a Tax Certiorari with P & D Properties, and further be

Resolved, that the parcel in question be reduced in value from \$264,200 to \$225,000 as recommended by the Assessor and Council, and further be

Resolved, that a copy of this resolution be forwarded to the Pawling Town Assessor and Van DeWater & Van DeWater, LLP upon its approval.

Resolution 201047
Billing for Pawling Water District #2

CONSENT
AGENDA
RESOLUTIONS
CONTINUED

Whereas, Pawling Water District #2 Bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$13,700.10 for the period of October 1 through December 31 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the Billing as recommendation for Pawling Water District #2.

Resolution 201048
Appointing Delegate and Alternate to the Association of Town 2010

Whereas, the Association of Town requires a Delegate be named to represent the Town of Pawling at the Annual Meeting of the Association of Towns of the State of New York, and

Whereas, the Town Board of the Town of Pawling authorize the appointment of this position, now therefore, be it

Resolved, that the name of David P. Kelly, Supervisor, be appointed as the Voting Delegate to the Association of Towns of the State of New York and William Johnson be appointed as Alternate.

Resolution 201049 was pulled by the Board at the workshop meeting 1/13/10.

Resolution 201050
Request for Proposal Lakeside Park Heating System

Whereas, The Building and Grounds Department has deem it necessary to replace the Heating system at the Teen Center Building at Lakeside Park, and

Whereas, a Request for Proposal (RFP) is needed to comply with the purchasing and procurement policy of the Town of Pawling, now therefore be it

Resolved, that the Pawling Town Board releases this attached Request for Proposal for the Heating system for the Teen Center at Lakeside Park.

Resolution 201053
Job Description Review

Whereas, The Town of Pawling Town Board feels that it is in the best interest of the Town of Pawling that a review commence of all town employees Job Descriptions, and

Whereas, The Town Board would like to appoint one Town Board member to work with all Department Heads to review all of the Job Descriptions, Now therefore, be it

Resolved, that the Town Board hereby appoints Councilman Paul Upham to commence a review of all town wide employee Job Descriptions and to work with all Department Heads and Employees to review their respective job descriptions, and be it, further

Resolved, that the Pawling Town Board hereby requests that a report be presented to the Town Board within 60 days of the passage of this resolution.

**Resolution 201055 Regarding the Appointment of Supervisor
Of Buildings and Grounds**

Whereas, the Town of Pawling is committed to maintenance and improvements to its physical plant, and

Whereas, the Town of Pawling desires to employ a hands on manager who can oversee, plan personnel and projects while being involved in the day to day labor to complete such tasks, and

Whereas, the Competitive Civil Service Position meets the criteria of the Supervisor of Buildings and Grounds, and

Whereas, Town employee Wendel Weber is a provisional hire in the position of Supervisor of Building and Ground, and

Whereas, Dutchess County has provided a list of qualified candidates from which the Town can select to hire from, and

Whereas, Wendel Weber is a candidate on such list and is deemed to be reachable to fill the position of Supervisor of Buildings and Grounds, now therefore, be it

Resolved, that the Pawling Town Board hereby appoints Wendel Weber to serve full time as the Supervisor of Building and Grounds and relinquishes his position of Maintenance Worker, and further, be it

Resolved, that Wendel Weber is to be compensated at the salary rate of \$45,760 per year with no provision for overtime, and further, be it

Resolved, that the Town Board hereby authorizes the Bookkeeper to amend Wendel Weber compensation at a Pro Rated rate for the remainder of 2010.

**Resolution 201057 Regarding Approval - Pawling
Joint Sewer Commission Budget for 2010**

Whereas, the Town of Pawling received a request from the Pawling Joint Sewer Commission to approve the 2010 budget, and

Whereas, the Pawling Town Board has reviewed the budget attached to the resolution, now therefore, be it

Resolved, that the Pawling Town Board hereby approves the Pawling Joint Sewer Commission Budget as follows; Revenues in the amount of \$724,643, Appropriations of \$472,830, Bonding Costs of \$251,813 for a total budget of \$724,643.

Resolution 201058 Regarding Facilities Use Requests

Whereas, the Town of Pawling receives requests from the Public, Organizations, Business and Not for Profits to hold events on Town owned property, and

Whereas, The Recreation Director is the contact for such request, and

Whereas, The Town Board in the best interest of the Town reviews and approves such requests, now therefore, be it

Resolved, that all Facility Use Requests have met all of the requirements set by the Town of Pawling and is pre-approved by the Recreation Director, and be it further

Resolved, that the Town Board hereby approves the Facility Request attached.

**Resolution 201060 Regarding Winter Carnival –
Lakeside Park**

Whereas, the Town of Pawling Recreation Department has considered hosting a Winter Carnival in the winter of 2010 as the weather permits, and

Whereas, a list of events and activities will be posted at the Recreation Offices and on the Town Web site, now therefore, be it

Resolved, that the Town Board hereby sets the date of the Winter Carnival as January 31, 2010 at Lakeside Park.

Supervisor Kelly said regarding the above resolution, he has had discussions with Town Justice Kevin Denton and Ferrol Lynch and the \$5,000.00 for this position is not in the budget and some money will need to be worked around in order to achieve this.

The motion to table resolution 201056 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**Resolution 201061 Regarding Health Insurance Buyout for
Town Wide Employees 2010**

Whereas, the Town of Pawling offers employees the ability to join into a buyout program of health benefits annually, and

Whereas, the Town of Pawling employees are required to inform the Town Board of their intention to receive the Buyout for the Health Insurance Plan at the start of each calendar year

Whereas, the employees must conform to the rules set within such buyout program, Now therefore be it

Resolved, that the Town Board of the Town of Pawling hereby grants the Insurance Buyout to the following employees in accordance to Town Law:

Supervisor Kelly made a motion, seconded by Councilman Johnson, passed unanimously to amend the above resolution to add the following names:

- David P. Kelly
- John Daley
- William Johnson
- Dave Watson
- Mike Mayer
- Gerald Terwilliger
- Tom Gastio

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson	“AYE”	Councilman Upham	“AYE”
Councilman Watson	“AYE”	Councilman Mayer	“AYE”
Supervisor Kelly “AYE”			

MINUTES

The motion to approve the minutes of December 2, 2009 and December 16, 2009 was made by Councilman Johnson, seconded by Councilman Watson, motion passed unanimously.

PUBLIC COMMENT

Supervisor Kelly opened the floor for public comment and there were none.

The motion to adjourn the meeting was made by Councilman Johnson at 8:20 PM, seconded by Councilman Watson, motion passed unanimously.

Town Clerk