

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:30 PM April 14, 2010 at the Holmes Whaley Lake Civic Association Building, 245 Route 292, Holmes, New York. Present were Councilmen Johnson, Upham, Watson, Mayer and approximately 45 interested citizens.

APRIL 14, 2010

Supervisor Kelly thanked everyone for coming to the meeting and announced that the Pawling Free Library Drop Box has arrived today. This will be placed in the parking lot area of the Holmes Whaley Lake Civic Association building so that residents of Holmes can drop their Library books in the box. This is the first of series of improvements this administration, working with the Library hopes to accomplish.

**PAWLING FREE
LIBRARY DROP
BOX IN HOLMES**

Drew Nicholson, President of the Pawling Library Board and Verna Carey, Secretary were present. Mr. Nicholson said the drop box needs to be installed in concrete so it cannot be taken away. Once that is done, the Library will make arrangements to pick up books here in Holmes. He thanked the Board for their support.

Supervisor Kelly opened the public hearing for proposed Local Law #1 adding Chapter 46 entitled "Parking Regulations for the Town Parking Lots".

**PUBLIC HEARING
ON LOCAL LAW #1
OF 2010-CHAPTER
46-PARKING
REGULATIONS
FOR TOWN
PARKING LOTS**

Larry Grumberger commented that there was no time limit for people to remove their cars after functions.

Supervisor Kelly said there is a twenty four hour time table under 46-4(2).

There were no further comments and Supervisor Kelly closed the public hearing.

The Board entertained a presentation by Mr. Phil Moreschi from the engineering firm of Fuss & O'Neill regarding the Whaley Lake Dam.

**WHALEY LAKE
DAM
PRESENTATION**

Mr. Moreschi gave a presentation in which he explained the history of the Whaley Lake Dam, the condition of the Whaley Lake Dam, how dams work generally and NYS DEC's evaluation and concerns regarding the Whaley Lake Dam. He stated that his firm evaluated the Whaley Lake Dam and confirmed NYS DEC's classification of "High Hazard" for this dam. His firm has prepared an Emergency Action Plan, which has been submitted to NYS DEC for their review and approval. Mr. Moreschi discussed remediation options that his firm is exploring, talked about cost estimates and a tentative schedule for the repairs to be done. He said he is moving forward with NYS DEC on the design.

Mr. Moreschi entertained questions and comments from members of the audience including Jeff Asher, Tom Dillon, Phil DeRosa, Harvey Matcovsky, Steven Solozzo and Mark Benko. During this time, a number of issues were discussed including ownership of the dam, phasing the repairs of the dam and the cost of a constructing a coffer dam verses drawing down the lake in order for the repairs to be done and the affect each of these options would have on lake residents.

Supervisor Kelly said the Board would discuss a coffer dam once they see what the price would be. He felt the Board would discuss the feasibility of a coffer dam with Fuss & O'Neill, the Whaley Lake Dam Committee and residents and then entertain a recommendation from the Whaley Lake Dam Committee.

Following further discussion, Supervisor Kelly said the next steps would be for Mr. Moreschi to answer NYS DEC's questions and get back to the Whaley Lake Dam Committee with the answers. He felt the Committee would need to move forward and discuss options with the Town Board and bring those options back to the district. That seems to be a starting point for this project and how it should move forward. He thanked Mr. Moreschi for his presentation and residents for their comments.

Supervisor Kelly opened the meeting for public comment on agenda items and there were none.

**PUBLIC
COMMENT ON
AGENDA ITEMS**

The motion to accept the minutes of March 3, 2010 was made by Councilman Johnson, seconded by Councilman Upham and passed with the following roll call vote:

MINUTES

Councilman Johnson – "AYE"

Councilman Upham – "AYE"

Councilman Mayer - "AYE"

Councilman Watson – "ABSTAINED"

Supervisor Kelly – "AYE"

The motion to accept the minutes of March 10, 2010 was made by Councilman Johnson, seconded by Councilman Upham, motion passed unanimously.

Supervisor Kelly said that Resolutions 2010103 regarding the Community Resource Center and 2010109 regarding the Conservation Advisory Board would be moved to the non-consent agenda.

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

**Resolution 201098
Regarding Facilities Use Request – Pawling Mountain Road Race**

Whereas, the Town of Pawling receives requests for use of town owned property from public organizations and businesses along with Not for Profits, and

Whereas, the Recreation Director is the contact for such requests, and

Whereas, the Recreation Director will make forward the requests to the Town Board to approve certain requests due to complexity of the request, and

Whereas, the Pawling Mountain Road Race organized by Robert Kelly of Pawling Cycle & Sport, 12 W. Main St., Pawling, NY- has requested the use of Lakeside Park on Sunday, July 11, 2010 to conduct a professional bicycle race, now, therefore, be it

Resolved, that the Pawling Mountain Road Race is hereby granted the use of Lakeside Park for the purpose of holding a professional bike race and shall be subject to all the rules of the Town of Pawling and the Pawling Recreation Department and further be it,

Resolved, that a copy of this resolution and all supporting documentation will be sent to the Recreation Director, Superintendent of Buildings and Ground and Chief Constable for their review.

**Resolution 2010100
Regarding Part Time Buildings and Grounds Laborer**

Whereas, the Town of Pawling has a Department known as Buildings and Grounds and,

Whereas, the Supervisor of Buildings and Grounds has requested a position of part-time laborer be created in his 2010 budget, and

Whereas, the position of part-time Buildings and Grounds Laborer has a job title that exists within Dutchess County Personnel Department, and

Whereas, under the direction of the Dutchess County Personnel Department the Town Board of the Town of Pawling hereby designates the position of part-time Buildings and Grounds Laborer as part of its workforce, now, therefore be it

Resolved, that the Supervisor of Buildings and Grounds is hereby authorized to fill such position for the summer months of 2010.

**Resolution 2010106
Regarding Architect - Lakeside Park, Lathrop Building**

Whereas, the Town of Pawling owns and operates a Town Park known as Lakeside Park, and

Whereas, certain areas within said Park are in need of repairs due to water damage, and

Whereas, the Town Board feels it is in the best interest to hire an architect to review the structural integrity of the Lathrop Building to prevent further damage, and

Whereas, the said report shall include the recommendation to mitigate the water damage to the building and shall request a report on the best usage of Lathrop for the Town of Pawling, now, therefore, be it

Resolved, that the Supervisor of the Town of Pawling is hereby authorized to execute and sign a contract expending no more than \$5000 with an architectural firm to review the Lathrop building within Lakeside Park.

CONSENT
AGENDA
RESOLUTIONS
CONTINUED

**Resolution 2010107
Regarding Turf Manager- Gary Lattrell**

Whereas, the Town of Pawling owns and operates a golf course known as Dutcher Golf Course, and

Whereas, employee Gary Lattrell is the head Greenskeeper of said Golf Course, and

Whereas, the Town of Pawling is in need of turf management for all of their playing fields, and

Whereas, Gary Lattrell has the training and expertise needed to manage all of the turf within the town, now, therefore, be it

Resolved, that Gary Lattrell is hereby designated Turf Manager for the Town of Pawling and will receive an additional compensation of \$5000 for the 2010 budget year.

Resolved, that the funds to pay for this change for the year 2010 will be paid by recreation impact funds.

**Resolution 2010108
Regarding Installation of Water Meters, District 1**

Whereas, the Town of Pawling owns and operates a water district known as District 1 and

Whereas, certain water meters within District 1 are in need of replacement or repair, and

Whereas, a report drafted by Severn Trent Services lists certain meters that are in need of repair or replacement, now therefore be it

Resolved, that the Town of Pawling hereby grants the Severn Trent Services the ability to replace and or repair water meters within District 1.

The motion to table Resolution 2010103 regarding the Community Resource Center was made by Councilman Mayer, seconded by Councilman Johnson, motion passed unanimously.

TABLED
RESOLUTIONS

The motion to table Resolution 2010109 regarding the Conservation Advisory Board was made by Councilman Mayer, seconded by Councilman Johnson, and following discussion, motion passed unanimously.

**Resolution 201096
Regarding the Payment of Bills for the Town of Pawling**

NON-CONSENT
AGENDA
RESOLUTIONS

Whereas, the Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of April 2010 and has offered them for review, and

Whereas, the vouchers have been numbered 287 through 412, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper hereby authorizes payment of said vouchers for the Town of Pawling in the amount of \$121,676.46.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

Supervisor Kelly “AYE”

**Resolution 201097
Regarding Billing for Pawling Water District #2**

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 \$14,000.10 for the period of January 2010 through March 2010 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.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

Supervisor Kelly “AYE”

**RESOLUTION
201099 TABLED**

The motion to table Resolution 201099 regarding Temporary Church Services was made by Supervisor Kelly, seconded by Councilman Mayer, motion passed unanimously.

**Resolution 2010104
Regarding Kendall Services –MS4**

Whereas, the Town of Pawling is required to file in yearly reports with the New York State Department of Environmental Conservation with the matters known as MS4, and

Whereas, such reporting is to be audited by the New York State Department of, and Environmental Conservation annually on the internal procedures and filings within the Town of Pawling, and

Whereas, the MS4 annual report is due by June 1, 2010, and

Whereas, the town of Pawling has a MS4 Coordinator and Inspector on staff to make sure that all regulatory practices are upheld in accordance with New York State Department of Environmental Conservation, and

Whereas, the New York State Department of Environmental Conservation conducts annual audits on the towns that are mandated to comply with MS4 regulations, now, therefore, be it

Resolved, that Kendall Services can provide auditing services to the Town of Pawling prior to the annual report being submitted to the New York State Department of Environmental Conservation. This report shall be provided to the town board prior to the June 1 submission date with the New York State Department of Environmental Conservation, and, be it, further

Resolved, that the Supervisor of the Town of Pawling is hereby authorized to execute and sign a contract with Kendall Services for the **Annual Audit**.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

APRIL 14, 2010
PAGE 5

ROLL CALL VOTE:

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

NON-CONSENT
AGENDA
RESOLUTIONS
CONTINUED

Supervisor Kelly “AYE”

**Resolution 2010110
Regarding Facilities Use Request – Pawling Free Library**

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

Whereas, The Recreation Director is the contact for such request and forwards such request to the Town Board, and

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

Resolved, that the Pawling Free Library has requested to use the Lathrop Building for their Annual Book Sale, for a total use of (10) days. This request has received prior approval for use by the Recreation Director, as the facility will remain open for limited programs during the weekdays of this event, and, further, be it

Resolved, that the Pawling Free Library will submit a Facility Use Request annually for this event, and, further, be it

Resolved, that the Town Board hereby approves the Facility Request to the Pawling Free Library.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

Supervisor Kelly “AYE”

**Resolution 2010111
Regarding Planning Department - Refund Escrow Account**

Whereas, the Planning Board of the Town of Pawling has been notified that the project known as Wind Rose has withdrawn their application from the review process, and

Whereas, the Planning Board has been requested to refund to Wind Rose the balance of their escrow account, and

Whereas, the Planning Board on March 15, 2010 has passed a motion to release \$5,000.00 escrow balance to Wind Rose upon their request, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Pawling Planning Board to refund the escrow balance of the account of Wind Rose.

MOTION: Councilman Mayer
SECOND: Councilman Watson

ROLL CALL VOTE:

Councilman Johnson "AYE"
Councilman Watson "AYE"

Councilman Upham "AYE"
Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**Resolution 2010112
Regarding Planning Board Restoration Bond and Inspection Fees**

Whereas, the Planning Board of the Town of Pawling on April 5, 2001 is granted conditional site plan approvals to BDZ Inc. Old Town Barns, and

Whereas, the Planning Board recommends the Town Board to accept posting a Restoration Bond in the amount of \$10,400 and \$1,950 for inspection fees, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Pawling Planning Board on matters pertaining to BDZ, Inc. Old Town Barns.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson
ROLL CALL VOTE:

Councilman Johnson "AYE"
Councilman Watson "AYE"

Councilman Upham "AYE"
Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**LOCAL LAW #1 OF
2010 RESOLUTION**

Supervisor Kelly said regarding Local Law #1, Chapter 46 regarding "Parking Regulations for the Town Parking Lots", he stated that a public hearing was held earlier this evening and he made a motion to approve a Negative Declaration pursuant to SEQRA as this proposed Local Law will not have any significant adverse environmental impacts, seconded by Councilman Johnson, motion passed unanimously.

**Resolution 2010113
Local Law Number 1 of 2010, Chapter 46 Parking**

Whereas, the Town of Pawling has noted a problem exists with unlawful parking in town parking lots, and

Whereas, the Town Board has reviewed the creation of a new Local Law and has titled a new Chapter number 46, "Parking Regulation for the Town Parking Lots", and

Whereas, the Town Board has held a Public Hearing on April 14, 2010 and has officially noticed such Law as prescribed by law, therefore, be it

Resolved, that the Town Board hereby approves the addition of Chapter 46, "Parking Regulations for the Town Parking Lots" as an additional Town Code (see below).

MOTION: Supervisor Kelly
SECOND: Councilman Upham

Councilman Johnson said regarding the letter received today from Joseph E. Kelly, Assistant Director of Engineering for Dutchess County Department of Public Works, he felt the objection they had could be overcome without changing the law by placing signs allowing parking for people using the Maybrook Rail Trail.

ROLL CALL VOTE:

Councilman Johnson "AYE"
Councilman Watson "AYE"

Councilman Upham "AYE"
Councilman Mayer "AYE"

Supervisor Kelly "AYE"

Town of Pawling
Proposed Local Law No. 1 Of 2010

A Proposed Local Law to Amend the Code of the Town of Pawling to Add a New Chapter 46 to Be Entitled
“Parking Regulations for the Town Parking Lots”

**LOCAL LAW #1 OF
2010 CONTINUED**

46 - 1 Legislative Intent

The Town Board of the Town of Pawling has determined that there are occasions where vehicles have been parked in parking lots at Town Facilities parking lots for periods of time when the driver or owner of said vehicle is not participating in activities of the Town. Based upon those legislative findings and determinations, the Town Board enacts this chapter.

46 – 2 Definitions

As used in this chapter, the following terms shall have the Meaning indicated:

Town – The Town of Pawling, Dutchess County, New York

Town Board – The Town Board of the Town of Pawling, Dutchess County, New York

Facilities - Any property owned or operated by the Town of Pawling

46 - 3 Parking Restrictions

No motor vehicle shall be parked at any and all Town owned / operated facilities unless the driver and or the passengers are at a town facility to participate in an official Town activity. Official Town activities shall include but are not limited to any and all activities taking place either within the Town Hall or at the recreation building adjacent to Town Hall: meetings of all official boards or bodies of the Town of Pawling or any other meeting held at Town Hall with permission of the Town Board; attendance at Town of Pawling Justice Court; meeting with any government agency; or use of the town recreation building adjacent to Town Hall.

46 – 4 Penalties for Offenses

- 1) Any person parking or allowing any motor vehicle, bus, trailer or any other obstruction, occupied or unoccupied, in violation of this chapter shall be subject to a fine of \$50.00 for the first offense, \$100.00 for the second and subsequent offenses within a one year period in violation thereof.
- 2) Any person parking or allowing any motor vehicle, bus, trailer or any other obstruction to be parked for a period of 24 hours or more which obstructs for any period of time the removal of snow from said parking lots or driveway thereof shall be subject to having said motor vehicle, bus, truck, trailer or any other obstruction removed and impounded, at the owners expense, and the same shall not be released to said person until the payment by said person has signed a release releasing said Town, its agents and employees of any and all liability for removal, impounding and damage to said motor vehicle, bus, truck, trailer or any other obstruction.
- 3) For the purpose of this chapter, if the person parking the subjects motor vehicle, bus, truck, trailer or any other obstruction cannot be located, the registered owner of said motor vehicle, bus, truck, trailer or any other obstruction, shall be deemed to have allowed said motor vehicle, bus, truck, trailer or any other obstruction, to be parked in violation of this Chapter.

46 – 5 Enforcement

The enforcement of this Chapter shall be administered by the Town of Pawling Constables or by any Police agency having the authority to issue a summons, and the same are hereby authorized to issue appropriate tickets and have removed and impounded the motor vehicle, bus, truck, trailer or any other obstruction as necessary.

APRIL 14, 2010
PAGE 8

**SIGNATORIES ON
NEW ACCOUNTS**

The motion for the Town Board to allow Supervisor Kelly, Jerry Terwilliger, Bookkeeper and the Councilman Johnson to be signatories on new accounts to be opened at Putnam County Savings Bank was made by Supervisor Kelly, seconded by Councilman Mayer, motion passed unanimously.

**SUPERVISOR
COMMENTS**

Supervisor Kelly announced that he would be signing the Community Development Block Grant contract so the Town will be able to acquire the funds from Dutchess County. He announced that bulk pickup day is April 26th. On May 8th, there will be Electronics Recycling Day through the Dutchess County Resource Recovery Agency at the Pawling Fire House. He has also organized a medicine recycling days on May 15th and May 22nd at the Pawling Transfer Station, where medications are dropped off with Town Constables and taken to the burn plant in Poughkeepsie. This will have to be done in the morning because the burn plant closes at noon. This is a certified way to dispose of medication.

Supervisor Kelly noted that the proposed Town master plan has gone to the engineer and he expected it to be returned within one week for the Board's review.

**TOWN CODE ON
TOWN WEBSITE**

Supervisor Kelly announced that the Town Code is now on the Town of Pawling website. This makes it easy for residents to use. This is something the Town Clerk has been asking to have for years and the Board felt it was a smart investment. He thanked the Town Clerk for her work on this.

Town Clerk Cathy Giordano thanked Supervisor Kelly for signing the contract to get the Town Code on the website.

MAYER

Councilman Mayer said Tom Clark passed away and he devoted much time to the Pawling School District and services for him are on Friday.

**PUBLIC
COMMENT**

Supervisor Kelly opened the meeting for public comment.

Phil DeRosa said Dutchess County Water Wastewater Authority is coming to the Shorehaven Civic Association in May to give an update on the water system. He said he would be done with the sheetrock in the lower level of the HWLCA building and would like to start the kitchen next.

Mr. Grippe recommended Jeff Asher for the Zoning Board of Appeals position, saying Mr. Asher is a person of character, knowledge and would be a great asset to the Zoning Board of Appeals.

Ed Munning thanked the Board for having their meeting in Holmes and hoped they could do it again in the fall. He suggested that once the Library drop box is installed, that two cement posts be placed around it so no cars can back into it. He asked that clear covers be placed over the fire alarms.

There were no further comments from the public.

The motion to adjourn was made by Supervisor Kelly at 9:20 PM, seconded by Councilman Mayer, motion passed unanimously.

Town Clerk