

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 6:30 PM May 12, 2010 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Watson, Mayer and approximately 18 interested citizens.

EXECUTIVE SESSION

The motion to enter Executive Session to discuss the Teamsters Contract Negotiations was made by Councilman Mayer, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to regular session was made by Councilman Johnson at 7:30 PM, seconded by Councilman Upham, motion passed unanimously.

REGULAR SESSION

Supervisor Kelly asked that the Pledge of Allegiance be done in memory of Tom Wichtendahl.

MS4 ANNUAL REPORT

The Board entertained a presentation on the Annual MS4 Report by JoAnne Daley, MS4 Coordinator. She presented the annual report to the Board and stated that the report would be signed by Supervisor Kelly and sent to New York State. This year in addition to the Annual Report, the Town has to submit a Stormwater Management Program Plan which explains what the Town does regarding stormwater in the Town of Pawling. Going forward, the Town will have to submit a Turf Management Plan in addition to the other reports and she explained the requirements to be met for that plan. She submitted a copy of the new permit to the Board for their review. She said she is working with Dutchess County Watershed Awareness and the Conservation Advisory Board on holding a "Watershed Awareness Day" at Murrow Park.

Councilman Watson explained that the Annual Report is an explanation of how the Town has met the SPEDES Permit for the year 2009. The report includes a plan which shows how the Town met the six goals they have to attain. He explained the Stormwater Management plan and what is entailed in doing that report. He explained that the State will at some point come in and do an audit to verify the information in the Annual Report and if the requirements have not been met, the Town could be fined. Dutchess County is very involved working with Towns toward meeting the requirements of the permits and getting money for the MS4 mandates that are required.

Supervisor Kelly thanked Councilman Watson and Ms. Daley for the work they accomplished on the MS4 Annual Report.

MINUTES

The motion to approve the minutes of 4/7/10, 4/14/10 and 4/21/10 was made by Councilman Mayer, seconded by Councilman Johnson, motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS AND MS4

Supervisor Kelly opened the meeting for public comment on agenda items and on MS4.

Bill Blessey, Chairman of the Zoning Board of Appeals said the ZBA needs someone to act as Vice Chairman and Larry Cyganovich has agreed to do it.

Supervisor Kelly moved Resolution 121 to the non-consent agenda.

There were no further comments on agenda items.

CONSENT AGENDA RESOLUTIONS

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

**Resolution 2010119
Lease Agreement - Caretaker, Lakeside Park**

Whereas, Jay Grundle has resided at 33 Lakeside Park as the Caretaker of Lakeside Park, and

Whereas, as part of the said Caretaker agreement, Mr. Grundle is required to work a minimum of 20 hours per week and to pay rent to the Town of Pawling, and

Whereas, Mr. Grundle provides a much needed presence within the Lakeside Park during the non business hours, and

Whereas, Mr. Grundle has requested to renew the lease agreement with the Town of Pawling, now, therefore, be it

Resolved, that the Town Board hereby authorized the Supervisor to extend the lease agreement with Mr. Grundle for the term of one year; June 1, 2010 to May 31, 2011.

Resolution 2010120
Performance Bond Agreement – Allspace Storage, Apollo Group LLC

Whereas, a Performance Bond exists in the name of Applicant / Developer Allspace Storage, Apollo Group LLC, in the amount of \$17,000, and

Whereas, in a letter submitted by Ronald Gainer, P.E. states that the majority of the site work has been completed and has recommended the Performance Bond amount be reduced within the agreement, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of the Planning Board and reduced the Performance Bond by \$16,000 leaving a balance of \$1000, and, further, be it

Resolved, that the \$16,000 dollars be returned to Allspace Storage, Apollo Group.

Resolution 2010122
Agreement - Poughkeepsie Dutchess Empire Zone

Whereas, the Town of Pawling is part of the Poughkeepsie Dutchess Empire Zone, and

Whereas, the Poughkeepsie Dutchess Empire Zone is managed by the Poughkeepsie Dutchess Development Inc. at 3 Neptune Rd. Poughkeepsie, NY, and

Whereas, the Town of Pawling has in the past entered into an Agreement with the Poughkeepsie Dutchess Development Inc, now, therefore, be it

Resolved, that the Supervisor is hereby by authorized to enter into the agreement with the Poughkeepsie Dutchess Development Inc at a cost of \$19,500 and will be funded through the 2010 budget in line A 1989.4.

Resolution 2010123
Dutchess Community College GED Course

Whereas, the Town of Pawling continues to look to offer education classes to its resident within the Town of Pawling, and

Whereas, the Town Board has recognized that there is a need within the community to offer General Education Diploma (GED) classes, now, therefore, be it

Resolved, that the Town Board hereby wishes to work with Dutchess Community College to locate an area within their facilities to offer such classes, and, further, be it

Resolved, that the Town Board hereby offers the use of a facility at no cost to Dutchess Community College for the GED classes.

Resolution 2010125
Billing for Pawling Water District #1

Whereas, Pawling Water District #1 Bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$2320.35 for the period of February through April 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 #1.

Resolution 2010127
E-911 Road Name Change / Addition

Whereas, the Town of Pawling must approval all road names within the Town of Pawling, and

Whereas, Dutchess County Emergency Response Department has from time to time requests the Town Board to approve such name changes along with a change to the E - 911 data base, now, therefore, be it

Resolved, that Parcel 6955-00-118540 (In Dutchess), hereby be known as “Broadcast Lane”, within the Town of Pawling, and, further, be it

Resolved, that the Town Board of the Town of Pawling hereby approves the road name changes to said parcel(s), and upon approval will forward a copy of this resolution to the Dutchess County Emergency Response, 911 Addressing Department to the attention of Mr. Rudy Macak.

Supervisor Kelly said the Board would now discuss the non-consent agenda items.

NON-CONSENT
RESOLUTIONS

**Resolution 2010109
Conservation Advisory Board Appointments**

Whereas, the Town of Pawling Conservation Advisory Board (CAB) is an advisory board to the Town Board, Planning Board and Zoning Board of Appeals on matters of Environment, and

Whereas, the terms of the Conservation Advisory Board have expired and are need of being reappointed, and

Whereas, that the following members Gordon Douglas, Peter Muroski, David Roberts, Michael Purcell, Sibyll Gilbert and Laurel Whitworth have expressed an interest in continuing to serve on the CAB for the term of April 14, 2010 to December 31, 2010, and, further be it

Resolved, that the Town Board of the Town of Pawling hereby approves the reappointments to the CAB as follows:

Member	Term	Office
Gordon Douglas:	January 1, 2010 - December 31, 2011	
Sibyll Gilbert:	January 1, 2010 – December 31, 2010	
Peter Muroski:	January 1, 2010 - December 31, 2011	
Michael Purcell:	January 1, 2010 - December 31, 2010	Chairman
David Roberts:	January 1, 2010 - December 31, 2011	Vice Chairman
Laurel Whitworth:	January 1, 2010 - December 31, 2010	

, and, further, be it

Resolved, that the Town Board hereby expresses the interest in appointing one member to the CAB as a youth member and hereby authorizes the Town Supervisor to contact the Pawling Central School District to request a name of a student from Pawling High School to serve on the CAB for a term of one year as named by the Pawling Central School District, such appoint will be affective at the time of receiving such name from the Pawling Central School District.

Amended: April 29, 2010, May 8, 2010

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 2010121
Appointment Brenda Colberg - Zoning Board of Appeals

Whereas, the Zoning Board of Appeals has a vacancy with a unexpired term, and

Whereas, the Town Board held interviews in April of 2010 to identify a potential candidate, and

Whereas, four individuals were interviewed in the course of the meeting, now therefore be it

Resolved, that Brenda Colberg is hereby appointed to fill the unexpired term ending on 12/31/2011 on the Town of Pawling Zoning Board of Appeals, and further, be it

Resolved, that the compensation be prorated at eight months of the twelve months rate, and, further, be it

Resolved, that the training session that Ms. Colberg attended in 2010 be credited towards the required continuing education necessary by the Town of Pawling

Supervisor Kelly made a motion to amend Resolution 2010121 to note Larry Cyganovich to be appointed as Vice Chair as the Zoning Board of Appeals, seconded by Councilman Johnson, motion passed unanimously.

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 2010124
Regarding the Payment of Bills for the Town of Pawling

Whereas, the Town of Pawling Bookkeeper has reviewed and prepared the vouchers for payment in May 2010 and has offered them for review, and

Whereas, the vouchers have been numbered 417 through 575, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper, the Town Board hereby authorizes payment of said vouchers in the amount of \$320,287.21.

Supervisor Kelly amended Resolution 201024 to include voucher numbers 417 to 575 and the dollar amount of \$320,287.21, seconded by Councilman Johnson, motion passed unanimously.

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 2010128
Pawling Free Library Funding Request

MAY 12, 2010
PAGE 5

NON-CONSENT
RESOLUTIONS
CONTINUED

Whereas, the Pawling Free Library has been serving the residents of the Town and Village of Pawling along with the surrounding area for years, and

Whereas, in these hard fiscal times the Pawling Free Library is in need of additional operational funding for the year 2011, and

Whereas, a presentation was given by the Chairman of the Board, Mr. Drew Nicholson and Treasurer, Mr. Brian Smith was given to the Town Board at their April 2010 Workshop Meeting, and

Whereas, the Pawling Free Library has requested support from the Town of Pawling Town Board on behalf of the residents of the Town of Pawling and the Village of Pawling to the sum of \$30,000, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby authorizes the expenditure of \$30,000 additional funds above and beyond the current funding for the fiscal year 2011.

MOTION: Supervisor Kelly
SECOND: Councilman Watson

Councilman Mayer felt the Library should go back to the votes. Another \$30,000.00 is almost 10% of what they have gotten. He knew it was unpopular but the Board has to make unpopular decisions. Looking out for the taxpayer, he could not see giving the Library an additional \$30,000.00 for next year when they really don't know what they actually need. He suggested they put another 414 amendment up to the votes.

Supervisor Kelly said the Library gave the Board a projection and with the \$30,000.00 they are asking for, they will still be approximately \$50,000.00 in the negative this year and only in the positive \$7,400.00 next year and in 2013, they will still be in the negative.

Brian Smith, Library Treasurer said he did not know where their expenses are going on a long range plan four years down the road. This projection could change dramatically and it will depend on what the public wants from the Library. The Board asked for a projection and he did the best he could. He is concerned about getting through the next two years and trying to create a positive cash flow for the Library. After that, if he has to come back for a 414 and ask for more money in the future, he will do that. He could not answer what the Library's situation would be in 2014 or 2015, he can only guess based on past performance. The Library keeps growing and is constantly changing. The Whaley Lake situation is an unknown and would cost approximately \$20,000.00 to staff it two days per week.

Supervisor Kelly said if \$30,000.00 is not going to get the Library solvent in the next two years, they might need a larger request.

Councilman Johnson asked if the Board has looked at what the outcome would be if the Library received no further monies from the Town and through a 414 amendment. He did not feel he could authorize giving the Library more money until he could see what the affects are if they don't get the additional money.

Mr. Smith said no, they have not. The Library has been dipping into mortgage monies to make ends meet in past years.

Verna Carey, Library Trustee said Library representatives have attended a workshop to learn how to write grants and they hope to be reimbursed for capital improvements that need to be done but they have to pay for them first. The Library is a very big part of the Town and that is why they are trying to go to Holmes but they are not sure they will have enough money.

Supervisor Kelly said the Library is trying to do this early enough so they still have the option to go for the 414 amendment. He felt the Board was asking if the requested \$30,000.00 is enough or does the Library have to go for another 414 amendment.

Councilman Watson said there must be a decision as to what the relationship between the Town and the Library is and how the Library should go about getting money, should the Town manage the Library funding or leave it to the Library.

Councilman Upham said the Library has a huge prioritization issue all of the time and they do a terrific job but he was reluctant to tell the Library how to manage their budget. If the Town gets more involved, that is what it will end up being and the

Town has no legal authority over what the Library does, as admirable he thinks it is. That is a concern he has about this.

Drew Nicholson, President of the Library Board said a mistake was made last fall in that they should have asked for more money but they felt coming before the people asking for a \$450,000.00 budget would have been unconscionable and would have seriously affected people and he did not feel it would be right to ask people for such a large amount of money. He explained in detail what the Library has been doing and said the Library needs a new HVAC system and if they put in a new green system, it would save money in utilities and there is grant money available for this. They are looking to the future but with the needs of the community changing, it is very difficult to project what will be needed in the future. They are making every effort to meet the needs of the public.

Following further discussion, there was a motion to table Resolution 128 regarding funding for the Pawling Free Library was made by Councilman Johnson, seconded by Councilman Upham, motion passed unanimously.

Councilman Upham said the Town's insurance is up for renewal and the Board has been trying to identify local agents for the Town's risk management. He has spoken to six different agencies, done reference checks and had informal conversations with various people in the insurance industry and he felt he kept the Board informed of all of the steps so far. Having done all of that, he felt the Board was ready to go ahead and appoint someone as the broker of record. This will allow the broker of record to get quotations from the major municipal insurance carriers and the Board will look at those quotes, prices and how thorough the coverage is and any changes in the laws from last year. The Town's policy expires in June so this needs to be done and he suggested Emery and Webb Insurance Agency.

The motion to amend the resolution to add Emery & Webb as the Town's insurance agency was made by Councilman Upham, seconded by Supervisor Kelly.

Councilman Watson said in conversations with the Board, it had been discussed that this actually didn't need to be voted upon and the Board could just go forward without a vote. Did he misunderstand that?

Councilman Upham said the broker of record should have Board approval and in terms of which specific agency, that is flexible.

Councilman Watson said he knew that Councilman Upham has done a lot of due diligence here and he has checked this firm and the types of municipalities this firm has worked with and stuff like that and he asked that Councilman Upham provide the Board with that information.

Councilman Upham agreed.

Councilman Mayer asked for the names of the other five agencies that Councilman Upham spoke to. He did not know the Town put out RFP's and the resolution says "agencies that have been considered by the Board" and he has checked over Board minute and he does not see anywhere the Board looked over four, five or six companies or discussed them. The Board has looked at one and Councilman Upham looked at one. Is local important? The Supervisor told the current one that the Town needs someone who is local and who donates money to local people in Pawling.

Supervisor Kelly said the question was asked to Mr. Noel by the Supervisor Elect last fall if he was involved with any local agencies and he said no, he did not think it was pertinent to this Town. Mr. Noel is wrong in his recollection of that.

Councilman Watson said the Town's procurement policy specifically states that the Town gives preference to local companies and the Board did specifically ask Councilman Upham to look at local companies. In the emails the Board has received, Councilman Upham has told them about two agencies and one state wide agency he had checked out. He concurred that he knew who three of the companies were but he did not know who the other three were. He believed it was not one company that was looked at, it was several.

Councilman Upham said he was at that meeting with Mr. Noel and Mr. Noel had his facts wrong, in his opinion.

Councilman Mayer said Mr. Noel saved the Town \$25,000.00 when he came on.

ROLL CALL VOTE/AMENDMENT:

Councilman Johnson "ABSTAINED"

Councilman Upham "AYE"

Councilman Watson "AYE"

Councilman Mayer "NAY"

MAY 12, 2010
PAGE 7

Supervisor Kelly "AYE"

NON-CONSENT
RESOLUTIONS
CONTINUED

**Resolution 2010129
Designation of Broker of Record**

Whereas, the Town of Pawling maintains liability and risk insurance deemed adequate for protecting the assets of the Town, and

Whereas, the Town Board wishes to appoint a local agent to represent the Town in such insurance matters, and

Whereas, various local agencies have been considered by the Board, now, therefore, be it

Resolved, that the Town of Pawling appoints Emery & Webb Insurance Company as the Broker of Record for the Town insurance, and, further, be it

Resolved, that the Town Supervisor is hereby authorized to execute any and all related documents necessary to effect a change in the insurance carrier for the Town.

MOTION: Councilman Upham
SECOND: Supervisor Kelly

ROLL CALL VOTE:

Councilman Johnson "ABSTAINED"

Councilman Upham "AYE"

Councilman Watson "AYE"

Councilman Mayer "NAY"

Supervisor Kelly "AYE"

The motion to add Resolution 2010130 regarding Condolences for Thomas Christopher Wichtendahl was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**ADD
RESOLUTION
2010130**

The motion to retire Thomas Christopher Wichtendahl's badge, badge #6 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**RETIRE BADGE
#6 THOMAS
CHRISTOPHER
WICHTENDAHL**

Supervisor Kelly opened the meeting for public comment.

**PUBLIC
COMMENT**

Vinny DeMarco said he would be willing to volunteer and help the Library. He said May 15th is Whaley Lake Cleanup Day at 9 AM and he invited the Board to attend. He would call John Daley to bring the truck over to Whaley Lake on Friday night to save money for overtime.

Phil DeRosa submitted the Shorehaven Annual Drinking Water Report to the Board. He said meters are now being installed in the district. He invited the Board to the Shorehaven Civic Association meeting May 15th at 4:30 PM. He was sure people would be there to express concern about the cost because the cost has gone from \$500.00 per year to over \$2,000.00 per year this year and there are still drinking water problems in the district. Also as part of the water meter installation, some residents have to increase their service to their homes from one half inch to three quarters and it is becoming a very costly endeavor in these hard economic times. He attended a class on Ethics in New York State Government and would copy the handout and give it to the Planning & Zoning Board members. He also added that the instructor would be happy to come and speak to Town of Pawling residents if the Board is interested in something like that.

**Resolution 2010130
Condolence: Thomas Christopher Wichtendahl**

**RESOLUTION
2010130
CONDOLENCE:
THOMAS
CHRISTOPHER
WICHTENDAHL**

The Pawling Town Board offers the following and moves its adoption:

Whereas, The Pawling Town Board has learned with sadness and regret of the recent death of Thomas Christopher Wichtendahl on May 8, 2010 in San Antonio, TX

RESOLUTION
2010130
CONDOLENCE:
THOMAS
CHRISTOPHER
WICHTENDAHL
CONTINUED

while attending his son's graduation from Basic Training at Lackland A.F.B, and

Whereas, Tom was born in Yonkers, NY, to Chuck and Peggy Wichtendahl on August 29, 1963, and his family moved to Holmes, NY, in 1978 where Tom graduated from Pawling High School in 1981, and

Whereas, he proudly served in the United States Navy where he became a Seabee. Tom was a reservist until 2006. His unit was activated in 2004 and he was deployed to Kuwait until July 2005, and

Whereas, Tom had served the residents of the Town of Pawling with honor and distinction as a Constable for the Town of Pawling, and

Whereas, Tom is survived by his wife, Jacqui (nee Quinn) and his two sons, Thomas Allen & Jacob Pierce; his parents, Chuck and Peggy Wichtendahl of Patterson, NY; his brother Chuck and sister Stephanie, and

Whereas, Tom had a passion for motorcycles, cars, scuba diving along with being an "extra" in many TV shows. Tom was also a past volunteer at the Putnam County Humane Society, now, therefore, be it

Resolved, that the Town of Pawling Town Board, on behalf of all the people of the Town of Pawling, does hereby extend its deep sympathy and sincere condolences to the family and friends of the late Thomas Christopher Wichtendahl , and, be it further

Resolved, that the meeting of the Town Board of the Town of Pawling is hereby adjourned in memory of the late Thomas Christopher Wichtendahl.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson "AYE"

Councilman Upham "AYE"

Councilman Watson "AYE"

Councilman Mayer "AYE"

Supervisor Kelly "AYE"

The meeting was adjourned at 8:30 PM.

Town Clerk