

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 6:30 PM June 9, 2010 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Watson, Mayer and approximately 16 interested citizens.

The Board entertained a presentation and question and answer session by Robert Rolison, Chairman of the Dutchess County Legislature and other representatives from the County Legislature. Some of the items discussed were Town and County Budgets, Board of Election charge backs to Towns, ambulance service being handled at the County level, employee healthcare being handled at the County level and shared services in general. Chairman Rolison said there is now a Shared Services Committee at the County level that will begin meeting next week.

**PRESENTATION
BY THE
DUTCHESS
COUNTY
LEGISLATURE**

Supervisor Kelly thanked Chairman Rolison for coming to Pawling and meeting with the Board and residents of Pawling.

The motion to enter into Executive Session to discuss legal matters was made at 7:05 PM by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**EXECUTIVE
SESSION**

The motion for the Board to return from Executive Session was made by Councilman Upham at 7:40 PM, seconded by Councilman Johnson, motion passed unanimously.

The motion to approve the minutes of May 5, 2010 and May 12, 2010 was made by Councilman Johnson, seconded by Supervisor Kelly, motion passed unanimously.

MINUTES

Supervisor Kelly opened the meeting for public comment.

Phil DeRosa reiterated his concerns regarding the facilities use request for the church. He was concerned that approving this request would set a precedent and it could be a slippery slope for the Board. He felt the Board should consider it very carefully and he felt it was a bad idea.

**PUBLIC
COMMENT**

There were no further public comments.

Supervisor Kelly moved Resolution 133 to the non-consent agenda.

RESOLUTIONS

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

**Resolution 2010135
Facilities Use Request - Pawling Chamber of Commerce**

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 the request to the Town Board to approve certain requests due to complexity of the request, and

Whereas, the Pawling Chamber of Commerce has requested the use of Lakeside Park to hold the annual Balloon Festival for 2010 as they have done in the past, now, therefore be it

Resolved, the Pawling Chamber of Commerce is hereby granted the use of Lakeside Park for the annual Balloon Festival for 2010 on the date of July 3, 2010, and be it further,

Resolved, that a copy of this resolution is forwarded to the Chief Constable and that the Pawling Chamber of Commerce will adhere to all of the Town Park rules and will coordinate the Balloon Festival details with said Chief Constable.

**Resolution 2010136
Facilities Use Request – Hipotronics, Inc.**

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, Hipotronics, Inc. has requested use of the facility to hold a company picnic on August 21, 2010 starting at 9 AM and ending at 8 PM, now, therefore, be it

Resolved, that Hipotronics, Inc. is hereby granted the use of Lakeside Park for the purpose of holding a company Picnic 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, Supervisor of Buildings and Ground and Chief Constable.

**Resolution 2010133
Appointment – Planning Board, Chair**

Whereas, the term of the Chair of the Planning Board expires on June 30, 2010, and

Whereas, the current Chair Mrs. B.J. Yankowich has lead this Board with honor and distinction during these hard economic times, now, further, be it

Resolved, that Mrs. B.J. Yankowich is hereby appointed to Chair the Pawling Planning Board to a term of July 1, 2010 to December 31, 2010.

Supervisor Kelly offered an amendment to Resolution 133 changing the term in the Resolution from July 1, 2010 to December 31, 2010, 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 2010131
Award of Demolition Request For Proposal - Cottage Row**

Whereas, the Town of Pawling has released Requests For Proposals (RFP) for the Demolition of Cottage Row buildings within at Lakeside Park, and

Whereas, the Town of Pawling opened these proposals on June 2, 2010, now therefore, be it

Resolved, that Amaxx, Inc. was the low bidder, providing a price of \$69,708.23, and, further be it

Resolved the Town Board of the Town of Pawling has reviewed all bids for conformance and awards the contract for the Demolition of Cottage Row to Amaxx, Inc. under the terms of the RFP.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

AMENDMENT:

Supervisor Kelly made a motion to amend the Resolution to say, “the Supervisor be allowed to continue to do reference calls on this and to look at timing of the project due to the severe lateness of the abatement program going on right now and to discuss this with the potential low bidder, and to allow the Supervisor to award the bid after satisfactory references are received.”

RESOLUTIONS
CONTINUED

Seconded by Councilman Johnson, motion passed unanimously.

The vote on the Resolution was as follows:

ROLL CALL VOTE:

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

**Resolution 2010132
Award of Asbestos Abatement Request For Proposal**

Whereas, the Town of Pawling has released Requests For Proposals (RFP) for the asbestos abatement in the buildings within at Lakeside Park, and

Whereas, the Town of Pawling opened these proposals on June 2, 2010, now therefore, be it

Resolved, that Netrix, Inc. was the low bidder, providing a price of \$27,000.00, and, further be it

Resolved the Town Board of the Town of Pawling has reviewed all bids for conformance and awards the contract for the asbestos abatement to Teen Center, White and Brown Cottages to Netrix, Inc. under the terms of the RFP.

MOTION: Supervisor Kelly
SECOND: Councilman Watson

AMENDMENT:

Supervisor Kelly made a motion to amend the Resolution to say, “The Supervisor be allowed to continue to do reference calls making sure all documents are in order and to discuss this with the potential low bidder, and to allow the Supervisor to award the bid after satisfactory references are received.”

Seconded by Councilman Johnson, motion passed unanimously.

The vote on the Resolution was as follows:

ROLL CALL VOTE:

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

**Resolution 201099
Facilities Use Request – Lakeside Park
Discussion Only**

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

RESOLUTIONS
CONTINUED

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

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

Whereas, Kelly Liffland has requested the use of a Lathrop building in Lakeside Park for each Sunday starting at 9 AM to 12 PM for use of a portion of the facility for a church service **for a period of six months**, now, therefore, be it

Resolved, that Kelly Liffland is hereby granted the use of Lakeside Park for the purpose of holding Sunday church services inside Lathrop on a temporary basis with the appropriate certificate of insurance. In addition, Kelly Liffland and her organization will be responsible for any costs incurred by the town due to their use of the facility. Use of the facility shall be subject to all the rules of the Town of Pawling and the Pawling Recreation Department, and, further, be it

Resolved, that the Town of Pawling reserves the right to displace this group at any point within the stated time of ten (10) day notice and shall offer a space to use in return, and further be it,

Resolved, that the Town of Pawling by permitting the use request here is not in any way endorsing the organization and its members with their beliefs, and, further be it

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

MOTION: Supervisor Kelly
SECOND: Councilman Watson

Councilman Johnson felt this organization needed help getting started and the Town could help. He had no issue with allowing this for six months, however it is his hope that in six months the church can find their own place because at that point, it would be too permanent and that is not his intention. He supported this resolution and added that the space is available now for this to be approved.

Councilman Watson asked that church representatives get in touch with Wendel Weber, Supervisor of Buildings and Grounds regarding building and maintenance requirements and Melissa Smith, Recreation Director in terms of space requirements. There will be a need for a person to clean on Sunday for at least an hour after the church is done so that will be a cost the Town will be requesting be paid. In terms of space, Ms. Smith is concerned about the space being ready for church on Sunday following a couple of upcoming large events. He suggested the church meet in the Rotary Room instead of the large meeting room.

Following discussion, it was agreed that church representatives would work with Ms. Smith on where they would meet on any given Sunday as the church is flexible on where they would be able to meet. The Resolution states, "that the Town of Pawling reserves the right to displace this group at any point within the stated time of ten (10) day notice and shall offer a space to use in return" and that should cover this issue.

Councilman Upham asked that the Town be informed as soon as possible when the church finds a permanent place to meet. He stated that there have been cases over the 40 years he's lived in Pawling where various church groups have come in for a day or a half day and used Town facilities. This is not a new deal.

The vote on the Resolution was as follows:

ROLL CALL VOTE:

Councilman Johnson	"AYE"	Councilman Upham	"AYE"
Councilman Watson	"AYE"	Councilman Mayer	"AYE"
Supervisor Kelly "AYE"			

The motion to table Resolution 128 regarding the request for funding by the Pawling Free Library was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**Resolution 2010134
Acceptance Change Order Cottage Row**

Whereas, the Town of Pawling has contracted to abate the Asbestos in Cottage Row at Lakeside Park to WRS Environmental Services, Inc. of Yaphank, New York (WRS), and

Whereas, such project has started to remove the asbestos from the building and has completed certain section of said project, and

Whereas, WRS has indicated that the amount of piping with asbestos in the crawl space under Cottage Row is greater than expected, and

Whereas, WRS has issued a "Change Order #1" in the amount of \$39,416.32 and has requested the Town Board to discuss and approval such Change Order, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts such written "Change Order #1"

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly offered an amendment to Resolution 134 to remove the dollar amount from the Resolution and insert, "To allow the Town Supervisor to negotiate an amount with WRS within reasonable standards not to exceed the amount requested in Change Order #1", seconded by Councilman Johnson, motion passed unanimously.

The vote on the Resolution was as follows:

ROLL CALL VOTE:

Councilman Johnson	"AYE"	Councilman Upham	"AYE"
Councilman Watson	"AYE"	Councilman Mayer	"AYE"
Supervisor Kelly "AYE"			

**Resolution 2010137
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 June 2010 and has offered them for review, and

Whereas, the vouchers have been numbered 576 through 686, 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 \$322,920.81.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly made a motion to amend the Resolution to add voucher numbers 576 through 686 and the amount of \$322,920.81, seconded by Councilman Johnson, motion passed unanimously.

The vote on the Resolution was as follows:

ROLL CALL VOTE:

Councilman Johnson "AYE"

Councilman Upham "AYE"

Councilman Watson "AYE"

Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**Resolution 2010140
Building Department Operational Hours**

Whereas, the Town of Pawling Building Department has hours of operation from 8:30 am to 4:00 pm Monday through Friday and

Whereas, the desire of our town government is to better serve the residents, and the contractors who perform work in the Town of Pawling, and

Whereas, on recommendation of Building & Zoning Administrator the hours of operation be changed to 7:30 am to 3:00 pm Monday through Friday, to better meet the work load of the department and needs of the residents, now, therefore, be it

Resolved, that the Town Board temporarily adopts new hours of operation for the Building Department to be 7:30 am to 3:00 pm Monday through Friday from Monday, June 14 2010 to Friday, September 3, 2010 as a trial period.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly said this is a trial to see if the office will still meet the needs of the residents and if the office runs efficiently. His concern is that within the building, he would like to have everyone in the building within one time frame, not to have multiple time frames within the building. Tom Corrao, Building Inspector gave a very strong argument that the construction industry does operate early and he felt this was a strong argument.

Councilman Johnson felt the new hours should be posted in the building and noticed on the website.

Councilman Upham suggested the Board establish core hours when everyone has to be here, whatever those are.

Supervisor Kelly said at the reorganizational meeting each January, the Board sets hours for all of the departments.

The vote on the Resolution was as follows:

ROLL CALL VOTE:

Councilman Johnson "AYE"

Councilman Upham "AYE"

Councilman Watson "AYE"

Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**Resolution 2010141
Re -Appointment of Secretary for the Planning and Zoning Board**

Whereas, the Secretary to the Planning and Zoning Board works at the pleasure of the Town Board, and

Whereas, the term of Secretary to Planning and Zoning Board is set to expire on June 30, 2010, and

Whereas, during these economic times, applications have reduced for review by the Planning Board and the Zoning Board, and

Whereas, the Zoning Board of Appeals has had _ months with no action to meet, now, therefore, be it

Resolved, the term of the Secretary to the Planning Board and the Zoning Board of Appeals is hereby reappointed for 6 months and will expire on December 31, 2010.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

RESOLUTIONS
CONTINUED

ROLL CALL VOTE:

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

Resolution 2010142
Procurement policy for Supervisor of Buildings and Grounds
For the Septic Tank Replacement Project

WHEREAS, the Town of Pawling is committed to timely maintenance and improvement of its Properties and

WHEREAS, The Town of Pawling has hired a Supervisor of Buildings and Grounds to manage the maintenance and improvement of its facilities and properties and

WHEREAS, the current Town procurement policies only permits the maintenance department to approve purchase orders up to \$3,000, but the state permits procurements up to \$35,000 with 3 written bids.

THEREFORE, BE IT RESOLVED, that the Town of Pawling modifies its procurement policy to allow the Supervisor of Buildings and Grounds to place purchase orders for the septic tank replacement project at Murrow up to the budgeted project limit of \$15,000 with a minimum of three written bids.

MOTION: Councilman Watson
SECOND: Supervisor Kelly

ROLL CALL VOTE:

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

Supervisor Kelly said regarding the Comprehensive Master Plan being distributed to the public, he has not drafted the resolution yet because he does not have the information back on the cost of printing and copying the document. He has requested quotes but has not gotten them back yet. He would like to get it out around July 15th and ask for comments back after that.

KELLY

Following discussion, it was agreed that Councilmen Upham and Mayer would work on a milestone list for the Comprehensive Master Plan review to bring back to the Board for their review.

Supervisor Kelly said regarding the Shared Services Agreement, the Town needs to own the AIA agreement and the hurdle is the ownership of the document. He said Mr. Peter Setera from Morris Associates has said that the Town can use the Feasibility Study without any additional cost to the Town.

The motion for the Supervisor to sign the AIA agreement with Paul Vosburg, move forward and pay him the roughly \$12,000.00 for the 40% of work that has been done to day was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**SUPERVISOR TO
SIGN SHARED
SERVICES
AGREEMENT**

Councilman Watson said regarding MS4, Pat Ferricane would be answering questions on the MS4 permit at the July meeting. He asked the Board to review the permit and get back to him with any questions they may have. They need to be in Albany by the end of June.

WATSON

KELLY

Supervisor Kelly said he received a memo from John Daley, Highway Superintendent regarding a savings of \$4,500.00 by moving Bulk Pickup Day from the weekend to during the week. Supervisor Kelly thanked Melissa Smith, her staff and all of the volunteers who helped with the Triathlon. It was a great event and everyone had a great day. Supervisor Kelly thanked the Dutchess County Legislature, Robert Rolison, Chairman of the Legislature and John Thomes, County Legislator for coming to Pawling to talk about County government. He suggested bringing the Legislature representatives back in a couple of months to continue discussions.

MAYER

Councilman Mayer asked the Board to give some thought to the newspaper article he distributed to them regarding banning smoking in Town parks.

Supervisor Kelly opened the meeting for public comment.

**PUBLIC
COMMENT**

Alan Kubik wanted to remind the Town Board that the first Music by the Lake concert was this Saturday, which will be at Murrow Park. The recreation staff has supplied the fliers for it and the buildings and grounds staff is working on getting the park ready. He said he would like to collect donations in order to expand the program. He has met with Supervisor Kelly on this and the Supervisor has said that donations can be accepted but it must be by check written to the Town of Pawling.

Supervisor Kelly wanted to make sure all donations are accepted in the correct way and that all donations are dedicated to the Music by the Lake concerts.

Councilman Upham said he is 100% behind what Mr. Kubik is doing and he should keep up the good work.

Phil DeRosa said regarding the master plan, in his opinion the master plan should not be released in chapter. He felt the full document should be released and meetings should address three or four chapters at a time. He felt the statistical numbers should be checked because they may be out of date. He felt approving the church for six months was a long time and where does it stop. He had no problem approving a request like that for one day.

Kelly Liffland thanked the Board for the time they spent and the consideration given to the church request. This will help them to get started and grow and they will find a home of their own.

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

Town Clerk