

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:30 PM July 14, 2010 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Mayer and approximately 20 interested citizens. Councilman Watson was absent.

JULY 14, 2010

The motion to approve the minutes of June 2, 2010 and June 9, 2010 was made by Councilman Johnson, seconded by Councilman Upham, motion passed unanimously.

MINUTES

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

**PUBLIC
COMMENT ON
AGENDA ITEMS**

The Board entertained a presentation by Nicholas Schiralli and Dr. Kaufman, representatives of Natural State Research, Inc.

**NATURAL STATE
RESEARCH, INC.
PRESENTATION**

Dr. Kaufman thanked the Board for entertaining their presentation and explained that they needed the Board's help. He explained that on June 1, 2008, they entered into a lease Mr. Schiavone for the property located at 190 Route 22, Pawling in order to run their business of changing waste plastic into carbon fuel. Since June 1, 2008, they have invested approximately half a million dollars into the property and they have been working to meet all regulations but they have not been able to conduct business yet. They are getting closer to meeting all requirements that must be met and as of June 2009, they have been told that the property is in the R-4 zoning district and business is not allowed in that zone. So Mr. Schiavone petitioned the Town to have this property changed to either Highway Business or Industrial or get a variance to allow them to do business. Dr. Kaufman explained in detail the particulars of this technology and the business they want to conduct, saying this would be a laboratory in Pawling to showcase this technology.

Ms. Schiralli said the laboratory in Pawling would be a place to teach and train people to work with this technology. She explained the technology and stated that they have a laboratory set up in Stamford, Connecticut. The operation has been on the Schiavone property for approximately two years and no one knows it is there as it is behind the fence. She felt that this new technology in Pawling would be a win/win for the Town.

Following further discussion, Supervisor Kelly explained that the Zoning Board denied an application for a variance as this is in the R-4 zone and not Highway Business zone. Ms. Schiralli and Dr. Kaufman are tenants and only the property owner can request a variance or a zone change so the property owner would have to make the request and presentation to the Board.

Councilman Mayer said the Town has been trying to bring business into Pawling and he felt this should be allowed.

Councilman Johnson said agreed, saying he felt the Board should try to streamline it as easily as they can.

Supervisor Kelly agreed saying the Board needs to speak to counsel and look to see what regulatory things need to be done and put this on the next earliest agenda.

The Board entertained a presentation by Cricket Valley Energy.

**CRICKET VALLEY
ENERGY
PRESENTATION**

Mr. Matthew Martin and Mr. Bob De Meyere were present representing Cricket Valley Energy.

Mr. Martin presented a rendering of the project and explained that the site is 131 acres located on Route 22, across from Cablevision. The property has had industrial over the years and is close to electric lines and the gas pipeline. They propose a highly efficient environmentally responsible process of converting clean burning natural gas into electricity. He stated that they initiated the process with an application for a special permit in the Town of Dover in November of 2009. They are currently in the State Environmental Quality Review (SEQRA) process, saying NYS DEC is the Lead Agency, and they have recently completed the scoping process. He explained the remainder of the SEQRA process. He explained that they would, upon completion, have 25 to 30 employees. He reviewed an approximate time line for approval saying they hope to begin construction in 2012 and hope the plant would be in operation in 2015.

Mr. De Meyere explained the process by which electricity is created by the plant, saying this will be a gas fired combined cycle plant. He stated that there is a lot of water necessary for this operation and they have done well testing and there is plenty of water on site to support this project. He explained that there would be three stacks which would be 282½ feet tall. He said most of the equipment would be in the rear of the property and the noise levels would be pretty low and would be far below what is allowed.

Following further discussion, Mr. Martin and Mr. De Meyere thanked the Board for allowing them to make their presentation and said if there were any questions, not to hesitate to contact them.

Councilman Johnson asked that Resolution 142 regarding the designation of a Town of Pawling Tobacco Free Zone be moved to the non-consent agenda.

Supervisor Kelly agreed.

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 2010143
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 has received a contract from Dutchess Community College to offer courses in general equivalency diploma GED training five days a week, four hours per day for a total of 20 hours per week for a 15 to 16 week semester, and, be it, further

Resolved, that the Town Board hereby authorizes the supervisor to sign the contract with Dutchess Community College for the GED classes.

**Resolution 2010144
AED Purchase for Town Owned Properties**

Whereas, in recognition of public safety Town Board has recognized that Automatic Electronic Defibrillators known as AED should be located within public buildings as a life-saving device, and

Whereas, the Town Board would like to have AED's accessible in public locations, now, therefore, be it

Resolved, that the Town of Pawling work with their contracted ambulance carrier and Pawling Fire Department to purchase AED for various locations of town owned property, and, further, be it

Resolved, that the Town Board expresses its intent to train all town employees the use of AED devices, and, further be it

Resolved that Councilman Johnson report back to the board for the August 2010 meeting on the purchase price, location and training schedule of all town employees.

**Resolution 2010146
Regarding Planning Department-Refund Escrow Account**

Whereas, the Planning Board of the Town of Pawling has been notified that the project know as Arpad Peter Gyimesi has completed their two Lot(s) Subdivision, and

Whereas, the Planning Board has been requested to refund Arpad Peter Gyimesi the balance of their escrow account, and

Whereas, the Planning Board on June 07, 2010 has passed a motion to release \$93.10 escrow balance to Arpad Peter Gyimesi 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 balance of the account of Arpad Peter Gyimesi.

**Resolution 2010147
Vacancy Pawling Constable Department**

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RESOLUTIONS
CONTINUED

Whereas, there is a slot / vacancy that exists within the Pawling Constable Department, and

Whereas, Chief Constable Michael Kelly has recommended the hiring of Brett Johnson to fill the position of town constable,

Whereas, Mr. Brett Johnson is current with all the New York State certifications necessary to hold the position as Constable, now, therefore, be it

Resolved, that the Town Board hereby appoints Brett Johnson to the position of Constable to be effective July 15, 2010 at the budgeted hourly rate within 2010 adopted budget.

**Resolution 2010149
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 \$13,919.10 for the period of April 1, 2010 through June 30, 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 Mayer

ROLL CALL VOTE:

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

**Resolution 2010141
Standard Work Day & Reporting Resolution**

BE IT RESOLVED, that the Town of Pawling hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day (Hrs/day)	Term begins/Ends	Participates in Employer's Time Keeping System (Y/N)	Days/Month (Based on record of activities)
Elected Officials							
Supervisor	David P. Kelly			6	01/01/2010	N	28.3
Town Clerk	Catherine Giordano			6	01/01/2010	N	26.1
Tax Collector	Barbara Tyson			6	01/01/2010	N	30.7

Councilman Johnson offered an amendment to make the course at Dutcher Golf Course exempt from this resolution, seconded by Supervisor Kelly.

Councilman Mayer did not feel that golfers should be exempted from smoking. He felt it was a good law, town wide, no exemptions.

Councilman Upham agreed with Councilman Mayer, this law should be town wide with no exemptions.

Supervisor Kelly agreed with Councilman Johnson saying the Board can look at this for the year and change next year if necessary. He has not had a complaint about smoking on town grounds.

Vote on the amendment:

ROLL CALL VOTE:

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

The amendment did not pass.

ROLL CALL VOTE ON THE RESOLUTION:

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

The motion to table Resolution 2010148 regarding the appointment of a liaison to the Advisory Steering Committee was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

Resolution 2010150 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 July 2010 and has offered them for review, and

Whereas, the vouchers have been numbered _____ to _____, 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 \$_____.

MOTION: Councilman Johnson
SECOND: Supervisor Kelly

Supervisor Kelly offered an amendment as follows, which was seconded by Councilman Johnson:

Change Order #1 for Cottage row – in the amount of \$39,416.32	
Guy Hassler Escrow Refund – resolution to follow	\$ 995.50
Travel voucher – Councilman Upham	\$ 48.40
Constables for Ammunition	\$ 1,890.00

Supervisor Kelly stated that the voucher numbers would be 687 through 901 in the amount of \$474,579.01.

The motion for the amendment passed unanimously.

ROLL CALL VOTE ON THE RESOLUTION:

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

Resolution 2010151 Authorizing Payment - Secretary Board of Ethics

Whereas, the Town of Pawling Board of Ethics as the need for a recording secretary for the proceedings, and

Whereas, these duties are part of the responsibilities of the Town Clerk's office, and

Whereas, during the budget process for 2010 there was no accommodations made for this action, now, therefore, be it

Resolved, that the Town Board hereby authorizes the Town Clerk to schedule, notice and record the meetings of the Town of Pawling Board of Ethics, and, further, be it

Resolved, the Town Board hereby authorizes the payment of such actions to be made from budgetary transfers, and be it, further

Resolved, that the Town Board authorizes the following Budget Transfer to be accepted to cover said costs:

	Department	Debit	Credit
Town Clerk – PS	1410.100A	\$2000	
Central Printing and Mailing	1670.400A		\$2000

MOTION: Councilman Johnson
SECOND: Supervisor Kelly

Councilman Mayer felt this person should be paid time off or comp time and with less work being done in each department, he felt the Board should find someone to do it that way so that the person will not have to be paid what with the Town's tight budget.

Councilman Johnson said he disagreed, saying the Clerk's office is already working short a part time person. The amount of time that has been consumed by the clerk for the Ethics Committee has become excessive to take that away from the Clerk's office. He had no issue in funding this request. It makes sense to have the person be the Deputy Town Clerk, as it is also part of the Clerk's duties to oversee the running of the ethics minutes and scheduling of meetings.

Supervisor Kelly agreed, saying there is not a time when he walks into the office that the people in the Clerk's office are sitting there doing nothing. Both of them are busy constantly. These are meetings that are held at night that were never scheduled or budgeted and were never considered and are extra work and extra duties. This is only asking to pay her at the current rate she is getting for the nighttime hours she is working and allow her to work to comply with the regulations the Board voted on.

Councilman Upham felt it was very important to send that message to the Ethics Committee, that the Town Board is serious about supporting them.

Councilman Mayer said he is not trying to not support them, he is trying to watch the pennies.

Supervisor Kelly said if you look at this a certain way, the \$2,000.00 is watching the pennies. It is mid year right now and the Ethics Committee has things in front of them they have to address and they have asked for someone to cover their meetings and take minutes. We pay the clerk in the Planning Department over time to come into the Zoning and Planning Board meetings so they are actually receiving additional costs above and beyond, they are receiving over time pay where this clerk is only receiving her straight pay.

Councilman Mayer said he didn't say that was right either.
Supervisor Kelly said the Board has set a standard and he felt the Board should stick with that.

ROLL CALL VOTE:

Councilman Johnson “AYE”

Councilman Upham “AYE”

Councilman Watson “ABSENT”

Councilman Mayer “NAY”

Supervisor Kelly “AYE”

**Resolution 2010152
Budget Transfers**

Whereas, budget transfers are needed from time to time for proper accountability, control and operation of a municipality’s budget, now, therefore, be it

Resolved, that the Town Board hereby authorizes the following budgetary transfers:

	Debit	Credit
Judicial Grant Award New York State (2010) - Equipment		
Judicial equipment 1110.2 00 A	\$4400.77	
Other state aid 3089 .000 A		\$4400.77
Highway: Sale of Equipment		
Machinery – Equipment 5130.2 00DB	\$3000	
Sale of Equipment 2665.000 DB		\$3000
Tax Collector: Increase Personal Services for Year End Services		
Tax Collector – PS 1330.100A	\$750	
Interest and Penalty – Real Property Tax 1090.000A		\$750
Reimburse Medicare Account for Retirees, (One Addition Member)		
Medical Reimbursement 9089.800A	\$2300	
Health and Medical Insurance 9060.800A		\$2300
Reimburse Account for NYS Unemployment Charges		
Unemployment & Insurance 9050.800A	\$5000	
Health and Medical Insurance 9060.800A		\$5000
Reimburse Account for NYS Unemployment Charges		
Unemployment & Insurance 9050.800DB	\$4000	
Health and Medical Insurance 9060.800DB		\$4000

MOTION: Councilman Mayer
SECOND: Supervisor Kelly

ROLL CALL VOTE:

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

**Resolution 2010153
Building and Grounds – Laborer**

Whereas, the Town of Pawling Buildings and Grounds department is in need of temporary summer help, and

Whereas, the Supervisor of Buildings and Grounds would hire such temporary help for no more than eight (8) weeks, now, therefore, be it

Resolved, that the Supervisor of Buildings and Grounds is hereby authorize to hire a temporary laborer and a hourly rate of \$10.00 per hour starting July 19, 2010 to September 17, 2010, and, be it, further

Resolved, that the Town Board authorizes the following Budget Transfer to be accepted to cover said costs:

	Department	Debit	Credit
Buildings and Grounds; Contractual	1620.200A	\$3200	
Buildings and Grounds P.S.	1620.100A		\$3200

MOTION: Supervisor Kelly
 SECOND: Councilman Johnson

Councilman Upham said he wanted to make sure this will be for straight time and no over time for this position.
 Supervisor Kelly said there is no over time in the calculation, the position is capped at \$3,200.00.

ROLL CALL VOTE:

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

**Resolution 2010154
Regarding Planning Department-Refund Escrow Account, Hasler**

Whereas, the Planning Department of the Town of Pawling has been notified that the project know as Guy Hasler has a balance within the escrow account, and

Whereas, the Planning Board has a meeting scheduled for July 19, 2010 and will review said project and make a recommendation to refund applicants escrow account, and

Whereas, Mr. Guy Hasler residing at 450 West Dover Road, Pawling, NY, has requested to receive the funds from within the escrow account, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby authorizes the refund to the escrow funds in the amount of \$995.50 upon the acceptance of the Pawling Planning Board at the July 19, 2010 meeting.

MOTION: Supervisor Kelly
 SECOND: Councilman Johnson

Supervisor Kelly said this is pending the Planning Board's approval on Monday evening.

ROLL CALL VOTE:

Councilman Johnson "AYE"

Councilman Upham "AYE"

Councilman Watson "ABSENT"

Councilman Mayer "AYE"

Supervisor Kelly "AYE"

Supervisor Kelly said the Board discussed media methods for the Comprehensive Plan at the last meeting. The Board had received prices on hard copies and the prices are under the purchasing requirements for the Town so the Board can authorize that.

The motion to accept the low bid on printing for the Master Plan for 50 (fifty) copies (Millennium Printing & Graphics) was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly said the Board cannot release the Master Plan until the Board holds a public hearing and that public hearing is strictly for what the public would like to see in a review of the Comprehensive Plan.

The motion to set the date of August 4, 2010 at 7:30 PM for a public hearing for public comment on the review of the Master Plan at the Town Board Workshop was made by Supervisor Kelly, seconded by Councilman Johnson.

Supervisor Kelly said this is to get comments on what the Board and public would like to see in a review process of the Master Plan. This is a procedural public hearing that needs to be held before the document can be released.

The motion passed unanimously.

Supervisor Kelly opened the meeting for public comment.

Vinny DeMarco asked representatives of Cricket Valley Energy what the operating efficiency of the plant would be.

Mr. De Meyere from Cricket Valley Energy said the operating efficiency would be approximately 55%. The world record is 60% efficiency with a plant like this.

Mr. DeMarco said on behalf of the residents of Whaley Lake, he would like to thank Mr. Peter Kelly, Supervisor Kelly and Councilman Johnson for their help in resolving the problems they have been having at the rope swing area. The problem was that there were young boys and girls creating a mess and bad behavior and with the patrols that have now been set up, the problem is much better and they continue to work toward resolving the problem.

Phil DeRosa thanked the Town Board for moving the Master Plan into publication and moving the process forward. He asked what exactly the public hearing would be for.

Supervisor Kelly said the public hearing would be for the Board to gain input from residents on what they would like to see and how they would like the Town to look at in the process. Then the Board can release the document. The way he understands it is this is a procedural step that should have been done a long time ago.

Greg Lane from Elm Street Partners said the public as well as businesses in the community need an opportunity to provide the Town Board with input on any and all subjects that might be addressed in the recommendations from the Committee or might not be. Town Law 272(b) states that and it can happen anywhere in the process but it usually happens in the beginning.

Diana Cretella said she understood why the Board couldn't vote on resolution 2010148 regarding the Liaison to the Steering Committee. She said there is a meeting on July 20 and if someone could attend, that would be great.

There were no further comments from the public.

The motion to adjourn was made by Supervisor Kelly at 8:35 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk