

SEPTEMBER 8,
2010

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:30 PM September 8, 2010 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Watson, Mayer and approximately 15 interested citizens.

2011 CDBG PUBLIC
HEARING

Supervisor Kelly opened the Community Development Block Grant public hearing.

Phil DeRosa said there is a need for an elevator in the Holmes Whaley Lake Civic Association building in order to make the building ADA accessible. Improvements have been done on that building this year and felt the elevator would be a very important upgrade and he would like to see that done.

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

PUBLIC
COMMENT ON
AGENDA ITEMS

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

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

CONSENT
AGENDA
RESOLUTIONS

Resolution 2010164
Escrow Account – Old Town Barn’s

Whereas, the engineer for the Town of Pawling has advised the Planning Board that a Restoration Bond in the amount of \$10,400 and inspection fees of \$1,950 shall be collected by the Town of Pawling from applicant Old Town Barns prior to the issuance of a building permit, and

Whereas, the applicant has issued the Town Clerk checks in the amount of \$10,400 (check number 023738858) and \$1,950 (check number 023738859) to cover the costs recommended by the engineer, now therefore, be it,

Resolved, that the Town Board hereby authorizes the Supervisor to open an escrow account and deposit the amounts of \$10,400 and \$1,950 in the name of the Town of Pawling to be used as a performance/restoration bond and inspection fees for the Old Town Barns project.

Resolution 2010165
Employee Contribution to Health Care

WHEREAS, Section 806 of the Employee Handbook permits changes in health insurance premium contributions by resolution of the Town Board, upon two-month’s written notice; and

WHEREAS, the Town Board, in the best interest of the Town, had already changed the elected official and employee contributions towards the cost of family health insurance premiums from 0% to 15% of the difference between the cost of individual and family health insurance premiums, excluding employees who are represented by a union or were otherwise involved in a question concerning representation, effective February 9, 2010; and

WHEREAS, there are no longer employees involved in a question concerning representation, now, therefore, be it

RESOLVED, that effective November 8, 2010, the Town Board hereby modifies Section 806 of the Employee Handbook to require non-represented employees who were previously but are no longer involved in a question concerning representation who are covered under the Town’s family health insurance plan to contribute 15% of the difference between the cost of individual and family health insurance premiums; and, be it, further

RESOLVED, that by way of this resolution, the Town Board hereby provides written notice of this change to each full-time employee who was formerly involved in a question concerning representation and who receives family health insurance coverage; and, be it further

RESOLVED, that the Town Board directs the Board Clerk to provide a copy of this resolution to all employees who will be affected by said change.

Supervisor Kelly moved the non-consent agenda.

**Resolution 2010161
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 August 2010 and has offered them for review, and

Whereas, the vouchers have been numbered 1060 through 1205, 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 \$162,671.58.

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 2010163
Appointment Assistant Court Clerk**

Whereas, the Court Clerk is currently under treatment for a medical disability, and

Whereas, Town Court has been cancelled for a two week period in the month of August due to the Court Clerks illness, and

Whereas, Town Justice Denton in a Memorandum dated August 30, 2010 has requested the Town Board to consider hiring a part time Assistant Court Clerk, and

Whereas, the adopted 2010 budget can accommodate the hiring of a part time Assistant Court Clerk, now, therefore, be it

Resolved, that the Town Board hereby authorizes the hiring of the Assistant Court Clerk for a term of September 9, 2010 to December 30, 2010 at a rate of _____ and a maximum of 17 hours per week.

MOTION: Supervisor Kelly
SECOND: Councilman Watson

Supervisor Kelly moved to amend the resolution to add a rate of \$11.00 per hour and change the hours per week from 17 hours to 15 hours per week, seconded by Councilman Johnson.

Councilman Upham said this would end December 30, 2010 or sooner.

Supervisor Kelly said yes. His theory on \$11.00 per hour is that this is a part time person and new coming into this position. We have a clerk that is actually making \$11.50 per hour that is full time with the Town doing extra work and would be keeping the new person under what people are currently making. The funds for this position will have to be transferred from either the equipment or contractual line.

Councilman Mayer asked why Supervisor Kelly was changing the number of hours per week from 17 to 15. When staff makes a suggestion and the Board changes, it could have repercussions.

Supervisor Kelly said he felt it would be three hours per day for five weeks instead of three and one quarter hours per day.

Councilman Johnson said it was his understanding that this would be as needed, not just two days a week.

Councilman Watson asked about making the budget transfer.

Resolved, that the Town Board hereby award the Number 2 Fuel Oil to _____, at price of _____ per US Gallon, and _____, to provide Service of oil fired equipment at a cost of _____ per hour for the period of October 1, 2010 to September 30, 2011.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly made a motion to amend the resolution, under the "Resolved" portion of the Resolution, to award the bid for Number 2 Fuel Oil to Bottini Fuel at a price of \$2.2928 per gallon and also add that Bottini provide service to oil fired equipment at a cost of \$85.00 per hour, seconded by Councilman Johnson.

Councilman Johnson amended to add acceptance of JOC NY Tank Cap Reseler (Average) + \$.12 which is stated in the bid, seconded by Supervisor Kelly, motion passed unanimously.

ROLL CALL VOTE:

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

**Resolution 2010168
Retention Legal Counsel – Litigation**

Whereas, the Town of Pawling may have the need to retain Special legal counsel to assist the Town Attorney and represent the Town in litigation matters, and

Whereas, the Town Board has the authority to retain such special counsel and or firm for such purpose, now, therefore, be it

Resolved, that the Town Board hereby authorizes the firm of Daniels and Porco to assist the Town Attorney and represent the Town of Pawling on matters that pertain to litigation at a rate of \$175.00 per hour.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Councilman Upham offered an amendment to the resolution that the resolution expires on December 31, 2010, seconded by Councilman Johnson, motion passed unanimously.

ROLL CALL VOTE ON THE RESOLUTION:

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

**Resolution 2010169
Procurement Policy For Supervisor of Buildings and Grounds**

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 improvements 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 Lakeside Park up to the budgeted project limit of \$20,000 with a minimum of three written bids for each trade associated within the scope of work.

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**NON-CONSENT
AGENDA
RESOLUTIONS
CONTINUED**

MOTION: Supervisor Kelly
SECOND: Councilman Mayer

ROLL CALL VOTE:

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

Councilman Watson said regarding the Community Development Block Grant monies, he made a motion for the Board to allow the Supervisor to release the bid packages as soon as the Town gets the authorization from the County to move forward with the bid process so as not to have to wait until the next meeting to release the RFP's, seconded by Supervisor Kelly, motion passed unanimously.

CDBG RFP'S

Supervisor Kelly said the New England Tennis Camp is closing their doors due to the economy and they have various recreation equipment they would like to donate to the Town.

**NEW ENGLAND
TENNIS CAMP
DONATION**

The motion to accept various recreation equipment from New England Tennis Camp at their disposal was made by Supervisor Kelly, seconded by Councilman Upham, motion passed unanimously.

PUBLIC COMMENT

Supervisor Kelly opened the floor for public comment.

Jeff Asher said two meetings ago, he had asked for the cliff notes regarding the Comprehensive Master Plan to be put on the Town's website. He wondered if Supervisor Kelly had given this request consideration and if it would be done.

Supervisor Kelly said officially, Mr. Asher would have to submit a FOIL request for that document.

There were no further comments from the public.

The motion to adjourn was made by Supervisor Kelly at 7:55 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk