

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:30 PM October 6, 2010 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Watson, Mayer and approximately 20 interested citizens.

The Board entertained a presentation by Terrell Muller, Fire Commissioner, regarding the Length of Service Award Program (LoSAP), which was voted on and approved by the voters in a special election which took place on September 16, 2010 at Pawling Fire Station #1 on South Street. Mrs. Muller gave an explanation of the program, which is below.

**PRESENTATION –  
PAWLING FIRE  
COMMISSIONER  
TERRELL  
MULLER ON  
LoSAP**

### **PROPOSED PAWLING FIRE DISTRICT SERVICE AWARD PROGRAM**

On Sept. 16, 2010 registered voters in the Pawling Fire District voted to establish a “VOLUNTEER FIREFIGHTER SERVICE AWARD PROGRAM” for volunteer firefighters of the Pawling Fire Department.

The Service Award Program is a defined benefit program. A firefighter will earn a year of service credit by accumulating a minimum number of points, 50, (mandated by New York State Law) during each calendar year, for attending drills, responding to calls, completing training courses, attending company meetings, completing a one year term as an office, etc. Service credit can be earned by eligible volunteers for up to 5 years prior to the effective date of the program.

For each year of ACTIVE VOLUNTEER FIREFIGHTER SERVICE CREDIT EARNED a \$20,000 monthly “SERVICE AWARD” is paid to the volunteer beginning at age 62, “ENTITLEMENT AGE” for 10 years OR for the volunteer’s lifetime, whichever is longer.

A volunteer must earn 5 years of service credit to become vested in his/her service award benefit. If a volunteer ceases being active before earning 5 years of service credit, the service award benefit earned by the volunteer will be forfeited.

It is anticipated that in calendar year 2011, Pawling Fire District property taxpayers will begin funding the program, based on the 2010 records of points earned by ACTIVE VOLUNTEERS; each year thereafter the annual cost shall be recalculated and will be based upon the annual updated point records.

For current volunteers, the annual Fire District resident taxpayer cost of the program is project to be .43 (cents) per \$1,000 of assessed value.

The Fire District will hold a budget public hearing at Station #1 on South Street on October 21, 2010 at 7:00 PM.

Mrs. Muller explained that the Fire District followed the letter of the law regarding the special election and held an informational meeting on September 14, 2010 at Station #1 to inform the public about the LoSAP Program. She said they probably should have put something in the local newspaper but decided not to do that. She stated that the Pawling Fire District has one of the lowest fire district rates in all of Dutchess County. The Pawling Fire District does an average of 700 calls per year and they are all volunteers and they receive no compensation whatsoever. She said many surrounding towns have this program, saying it is a thank you to people who have been active volunteers. She apologized on behalf of the Board of Fire Commissioners for not making information available before the vote was passed but they did follow the letter of the law regarding the vote. She said the Commissioners had a meeting last night and they discussed the possibility of not funding the LoSAP Program for the year 2011 and funding it for the year 2012, which would give the public an opportunity to learn about the program. Their attorney is looking into the legality of funding the program in 2012.

Councilman Johnson asked if this was modeled after a State program and if the volunteers get this benefit for ten years or the volunteer’s lifetime. He asked if that meant that if they were to pass away, if their family would continue to get the benefit.

Mrs. Muller said the program is a State program and yes, the family would receive this as a death benefit.

Councilman Watson asked why the \$200,000.00+ was needed.

Mrs. Muller said they have to estimate that they have 62 members and have to fund them up front so they have to make a large contribution, worst case scenario, into the market place and invest it to fund the program. She said in future years, the funding may go down, depending on the number of vested people they are dealing with. She said if anyone has comments, the public hearing on the Fire District budget is on October 21, 2010 at 7 PM at Station #1.

Councilman Johnson said he didn't know there was going to be a vote.

Mrs. Muller said the Commissioners want the public to be comfortable with this so they will try to educate the public on this.

Councilman Upham asked if this was a defined benefit plan and he would like to know what the interest assumption is from the actuaries. He would be curious and like to have this information on October 21<sup>st</sup>.

Supervisor Kelly said he and Mayor Liffland met with the Commissioners two weeks ago to discuss the outcry from the Board and residents. The Commissioners were no more than professional and he attended their meeting last night. It was nice to see how they talked about the program and concerns from the residents and offered to potentially put it on hold for now, pending legal counsel advice. He thanked people for coming tonight and making comments. He urged people to go to the Fire District budget public hearing and ask questions.

Supervisor Kelly said he doesn't usually open the floor for public comment during presentations but felt it was appropriate at this time and he opened the floor for public comment.

Stan Mersand thanked Mrs. Muller for the presentation. He is very proud of the Pawling Fire Department and pleased with the coverage residents get. He believed that some token recognition in an award program is warranted for the fireman. He did have concerns about how the procedure that was followed. He believed that, according the law, that the procedure that was followed invalidates the vote. He explained his view on this.

Mrs. Muller explained how the district was formed and said she would check with Don Cappillino, attorney for the Fire District on Mr. Mersand's concern.

Mr. Capalbo said people are being asked to pay more taxes and people are being bled dry. If the fireman are being compensated, they are no longer volunteers. People are losing their homes, getting divorced, are desperate and in trouble. He is on a pension and can't meet these demands.

Jeff Asher said he appreciated the volunteer Fire Department but he was concerned about the process. At the end of the day when he had the information, he would be voting yes but the point is, it is a process issue for him. The fact that the Commissioners would wait until 2011 probably had merit to it so people could be informed. He felt there should be another vote so people could feel like they were part of the process. He will be at the October 21, 2010 public hearing.

Mrs. Muller said she could not speak for the Board of Fire Commissioners regarding holding another vote but she felt Mr. Asher should bring that up at the public hearing on October 21<sup>st</sup>.

Supervisor Kelly noted that there were no further comments from the audience.

The Board entertained a presentation by Ben Scavone from the firm of Peter F. Gaito & Associates, Architects, on the Lathrop building at Lakeside Park. He submitted to the Board a "Building Condition Assessment Report" for the Lathrop building and explained that there is a lot of information in the report he has presented a number of options for the building. He asked that the Board look the report over and contact him with questions and comments so that he could move forward with this process.

Supervisor Kelly thanked Mr. Scavone for his presentation.

Supervisor Kelly said he has submitted the Proposed 2011 Budget to the Town Clerk and to the Board. He gave the Board an overview of the budget and explained the new format, which better shows how taxpayer dollars are spent. He explained that the total operating budget for the Town is \$4,873,691.00. The increase in taxes is 7.48%. If the Fire Department foregoes the benefit program, that will create a reduction of 5.8% increase so without the Fire Department's request, there will be a 2.4% increase in the Town budget. He said he has proposed a 3% increase for all employees, except employees covered by a bargaining unit. He explained that the Town would have an increase because revenues are either flat or drastically down.

He stated that it looks like the Town of Pawling is in good shape this year. The Library has asked that the funding be shown on a separate line and the Board is working toward getting that done. He has put a resolution on the agenda to have two special budget meetings in October, on October 20<sup>th</sup> and October 27<sup>th</sup>, where department heads would present their budgets and the public could comment. He thanked the Board members, department heads and employees for learning the process he has started this year. He thanked Jerry Terwilliger, Town Bookkeeper for all of his help with the budget.

Councilman Johnson said it is a pleasure to work with a budget director who takes the job seriously. This is the first budget in four years that hasn't been a 50% increase. He felt the Board should look at the budget officer's pay in the budget process.

Councilman Watson agreed, saying all of the numbers are in a rational presentation which makes the Board's job easier.

The Board discussed the proposed resolutions. Following discussion, it was agreed that resolutions 2010170, 2010171 and 2010172 would be placed on the non-consent agenda. Following further discussion, it was agreed that resolutions 2010173, 2010174, 2010176, 2010179 & 2010180 would be placed on the non-consent agenda.

RESOLUTIONS

**Resolution 2010175 Award of Bid  
Lakeside Park CBGD Projects**

Whereas, the Town of Pawling has been awarded funding under the Dutchess County 2010 Community Block Grant Development Program, and

Whereas, the projects selected as part of the 2010 CBGD award are; to construct Handicap Accessible Sidewalks, purchase and installation of Playground and Fitness trail equipment, and

Whereas, all projects included in the CBGD award are subject to the Request For Proposal (RFP) process, now, therefore, be it

Resolved, that the RFP for Fitness Trail & Playground at Lakeside Park was released and opened by the Town Clerk on Wednesday, September 29, 2010 and is hereby awarded to Pat Corsetti, Inc. in the amount of \$94,500.00 for the projects associated with the referenced RFP.

MOTION: Councilman Upham

SECOND: Councilman Watson

ROLL CALL VOTE:

Councilman Johnson "AYE" Councilman Upham "AYE"

Councilman Watson "AYE" Councilman Mayer "AYE"

Supervisor Kelly "AYE"

Supervisor Kelly said regarding resolution 2010177 regarding shared animal control officer services with the Town of Dover, he asked John Daley, Dog Control Officer how he felt about handling animal control for the Town of Dover.

Mr. Daley said he only has time to help the Town of Dover in dire emergency situations.

The motion that the Town of Pawling has no desire to enter into a temporary municipal agreement with the Town of Dover for the purposes of shared animal control services was made by Supervisor Kelly, seconded by Councilman Johnson.

Councilman Johnson said he would not say the Town has no desire but that the Town of Pawling does not have the capability to help them in their time of need.

The motion passed unanimously.

**Resolution 2010179**  
**Award of Bid – Dodge Road Rehabilitation**

**RESOLUTIONS**  
**CONTINUED**

Whereas, the Town of Pawling has released a Request for Proposal by the Pawling Highway Superintendent for a project known as the Dodge Road Rehabilitation, and

Whereas, bids received were opened on September 23, 2010 at 10:05 AM, now, therefore, be it

Resolved, that the RFP for the Dodge Road Rehabilitation is hereby awarded to Peckham Road Corporation in the amount of \$221,640.32 for the project.

MOTION: Supervisor Kelly

SECOND: Councilman Mayer

**ROLL CALL VOTE:**

Councilman Johnson "AYE"

Councilman Upham "AYE"

Councilman Watson "AYE"

Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**KELLY**

Supervisor Kelly reported that the budget has consumed the past month plus of his time. The playground equipment and fitness trail equipment has been ordered. The boy scouts will do a presentation on placing a peace pole at the Holmes Pond at next week's meeting. The Library has requested that their line come out of the budget. He stated that the Moss lawsuit is no more and the final bill has been submitted to the Board. He will begin meetings on ambulance service, to negotiate a new contract, as it is going up to \$300,000.00.

**JOHNSON**

Councilman Johnson commended Supervisor Kelly for his budget and asked that he be involved in negotiating the ambulance contract.

**MAYER**

Councilman Mayer said the Conservation Advisory Board would like to make a presentation to the Board regarding a stream issue.

Supervisor Kelly said he would put the CAB on the agenda next week.

**UPHAM**

Councilman Upham commended Supervisor Kelly for his work on the budget.

**WATSON**

Councilman Watson said the Buildings & Grounds department is busy working on many projects in order to get them done before the cold weather sets in. He gave an explanation of some of the projects.

**PUBLIC**  
**COMMENT**

Supervisor Kelly opened the meeting for public comment.

Ed Munning, President of the Holmes Whaley Lake Civic Association for the past six years, said the civic center and Holmes playground need a lot of work and it seems like banging his head against the wall to get anything done. He felt that when it comes to the HWLCA building, it is a low priority on the Town's list. The playground equipment needs cleaning and the building needs many things, for instance painting the building, a roof, flooring, windows, kitchen to be done, etc. He wondered if there would be any money in the 2011 budget for this work to be done.

Jeff Asher gave kudos to Supervisor Kelly for the budget, saying he appreciated the work that has been done. He asked for a hand out of the budget for the next meeting.

Supervisor Kelly said the budget would be posted on the website tomorrow.

Mr. Asher felt the RFI for Lakeside Park needed to be changed and sent out again. He was on the RFI Committee, which was chaired by Mike Montemarano and that was the recommendation of the Committee. That being the case, he felt that it would be premature to make any commitments to anyone who has submitted a proposal.

Harvey Matcovsky asked if the Library was included in the 7.4%.

Supervisor Kelly said yes, it was included. The Fire Department's increase is approximately 5.08%.

Mr. Matcovsky said he has discussed before with the Board the fact that he felt that the Town could save money by changing the health benefits for retirees. He hasn't heard anything about this.

**PUBLIC  
COMMENT  
CONTINUED**

Diana Cretella said she disagreed with Jeff Asher and his suggestion to put the RFI for Lakeside Park out again. She liked the Scarz Development proposal and felt it was a good one. It will generate revenue for the Town and she urged the Board not to waste time.

The motion to adjourn was made by Supervisor Kelly at 9:15 PM, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk