

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM December 8, 2010 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Mayer and approximately 18 interested citizens. Councilman Watson was absent.

The motion to enter Executive Session to discuss potential litigation was made by Councilman Upham, seconded by Councilman Johnson, motion passed unanimously.

**EXECUTIVE SESSION**

The motion 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 November 3, 2010 was made by Councilman Johnson, seconded by Councilman Upham, motion passed unanimously.

**MINUTES**

The motion to approve the minutes of November 10, 2010 was made by Councilman Johnson, seconded by Councilman Upham.

Councilman Mayer said he wanted the motion he made on page 5, paragraph 2, of the November 10, 2010 minutes to be changed.

Supervisor Kelly made a motion to amend the motion made by Councilman Mayer on page 5, paragraph 2 of the November 10, 2010 minutes as follows per Councilman Mayer:

The motion not to use Hoffman Trust money to repair the town hall roof, town hall drainage or Murrow Park was made by Councilman Mayer.

The amendment was seconded by Councilman Mayer and the motion passed unanimously.

The motion to approve the November 10, 2010 minutes passed unanimously.

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

**PUBLIC COMMENT ON AGENDA ITEMS**

Mr. Curt Rollins said his wife Gina teaches the Zumba class in Pawling and he lives in Poughquag. He has reviewed the proposed facilities use policy and did not think it would be feasible for his wife to run the Zumba class according to the new policy.

Melissa Smith, Recreation Director said she is trying to implement new policies and everyone will have to be notified about these policies.

Councilman Johnson said he would be happy to meet with Mr. Rollins and listen to his idea regarding the facilities use policies.

There were no further comments on agenda items.

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

**RESOLUTIONS**

**Resolution 2010196  
Public Hearing: Zoning Change, Gino Schiavano**

Whereas, the owner of Tax Grid Parcel 7056-00-470136-0000 has petitioned the Town of Pawling on November 19, 2010, to request the Town Board to rezone said parcel from Residential to Highway Business,

Whereas, said parcel is located at 191 Route 22 in the Town of Pawling and is adjoining on two side by Highway Business zoning districts, now, therefore, be it

Resolved, that the Town Board will hold a Public Hearing on January 12, 2011 at 7:30pm at 160 Charles Colman Blvd. Pawling, NY 12564 on proposed Zoning Changes for parcel # 7056-00-470136-0000 from Residential to Highway Business.

**Resolution 2010198  
Local Law 3 of 2010 for Chapter 65, Animals which Amends Local Law Number 2 of 1996 which revised Local Law 3 of 1982**

Whereas, the 2010 -2011 New York State Budget eliminated the Department of Agriculture and Markets dog License responsibilities, including dog tag procurement,

RESOLUTIONS  
CONTINUED

issuance of license renewals, and the agency's centralized Dog License System (DLS), and

Whereas the Town Clerk of the Town of Pawling will assume the full function as mentioned above, and

Whereas, the Town Clerk has worked with Town Council to develop the attached Local Law Number 3 of 2010, and

Whereas, the Town Board has held a Public Hearing on December 1, 2010 at 7:30pm, now, therefore, be it

Resolved, that the Town hereby accept Local Law Number 3 of 2010 entitled, "Local Law 3 of 2010 for Chapter 65, Animals which Amends Local Law Number 2 of 1996 which revised Local Law Number 3 of 1982".

**Resolution 2010199**  
**Professional Services – Comprehensive Plan**

Whereas, the Town of Pawling Town Board has started the process of reviewing the Draft Comprehensive Plan prepared by the Comprehensive Plan Steering Committee, and

Whereas, the Town Board will be reviewing the document and may suggest changes to the Town's Comprehensive Plan along with changes to the Zoning ordinances within the Town, and

Whereas, the Town Board will need guidance through this process from professional Planner and Engineers during this process, and

Whereas, the Town's Engineer, Morris Associates, has on staff a Planner whom has previously advised the Town Board on the contents of the Draft Comprehensive Plan, now, therefore, be it

Resolved, that the Town Board hereby wishes to retain the services of Morris Associates for the purposes of advise and guidance through the process of reviewing the Comprehensive Plan, SEQRA, Zoning changes and any other related actions.

**Resolution 2010201**  
**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 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, now, therefore, be it

Resolved, that the Town of Pawling hereby modifies its procurement policy to allow the Supervisor of Buildings and Grounds to place purchase orders for the **Ball Fields on Dodge Road** and **Asbestos testing** for renovation and or project at 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.

Supervisor Kelly moved to the non-consent agenda.

**Resolution 2010194**  
**2011 Highway Material Bid**

Whereas, the Superintendent of Highways has requested bids on various highway materials for the year 2011, and

Whereas, the list of materials has been advertised in the Poughkeepsie Journal and was noticed to be opened on November 17, 2010 at 10:00 AM, and

Whereas, the bids on material have been reviewed and approved by the Highway Superintendent for purchase in 2011, now, therefore, be it

**RESOLUTIONS  
CONTINUED**

Resolved, that the following materials are awarded to:

MOTION: Councilman Johnson  
SECOND: Councilman Mayer

Supervisor Kelly made a motion to make an amendment to say that the bids are awarded to all vendors noted within the resolution docket packet, seconded by Councilman Mayer, motion passed unanimously. Bid awards are attached to the end of the minutes.

ROLL CALL VOTE:

Councilman Johnson "AYE" Councilman Upham "AYE"

Councilman Watson "ABSENT" Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**Resolution 2010195  
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 December of 2010 and has offered them for review, and

Whereas, the vouchers have been numbered 1478 through 1583, 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 \$195,779.80.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson "AYE" Councilman Upham "AYE"

Councilman Watson "ABSENT" Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**Resolution 2010189  
Facilities Use Policy**

Whereas, the Town Board of the Town of Pawling approves and adopts a Policy for Use and Fee's for the rental of facilities and land of Town owned property, and

Whereas, the Recreation Department has met with members of the Town Board and has recommended to revised the policy for Use of the Town owned Facilities, now, therefore, be it

Resolved, that the Town Board hereby accepts and adopts the "Policy for Use and Fee's – Town Owned Facilities and Property".

MOTION: Councilman Johnson  
SECOND: Councilman Upham

ROLL CALL VOTE:

Councilman Johnson "AYE" Councilman Upham "AYE"

Councilman Watson "ABSENT" Councilman Mayer "AYE"

Supervisor Kelly "AYE"

**Resolution 2010202**  
**Escrow Account – H.G. Fairfield**

**RESOLUTIONS**  
**CONTINUED**

Whereas, H.G. Fairfield has responded to the Town of Pawling's RFI in 2009 for Lakeside Park, and

Whereas, H.G. Fairfield would like to considered the potential use of the Lathrop Building and Inn at Lakeside Park, and

Whereas, The Town has engaged the services of Peter F. Gaito & Associates, for Architecture and engineering services, and

Whereas, H.G. Fairfield would like to exchange in dialog with Peter F. Gaito & Associates in matters relating to the use and reuse of the Lathrop Building and the Inn at Lakeside Park, now, therefore, be it

Resolved, that the Town Board hereby authorizes the development of a escrow account for H.F. Fairfield, for the purpose of discussion between the parties on matters of the Lathrop Building, Inn and other areas within Lakeside Park.

MOTION: Supervisor Kelly  
SECOND: Councilman Upham

ROLL CALL VOTE:

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

The motion to table Resolution 2010200 regarding professional services for the Lathrop building at Lakeside Park was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**Resolution 2010203**  
**Dog Control Fees**

Whereas, it being agreed and proposed that a Local Law be established rescinding Chapter 65 of the Code of the Town of Pawling concerning Animals and replacing it with a new Chapter 65 entitled "Dog Control Law";, and

Whereas, said Chapter 65 entitled "Dog Control Law" having been adopted by the Town Board of the Town of Pawling; and

Whereas, it is necessary for certain fees and fines to be collected by the Town Clerk pursuant to said Chapter 65; and

Whereas, the Town Board has the responsibility each year to set the aforementioned fees and fines, now, therefore, be it

Resolved, that the town Board hereby sets the fees and fines to be collected by the Town Clerk of the Town of Pawling pursuant to Chapter 65 of the Code of the Town of Pawling for the year 2011 are set forth on the below "Schedule of Fees".

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

SCHEDULE OF FEES AND FINES FOR CHAPTER 65 OF THE  
CODE OF THE TOWN OF PAWLING ENTITLED "DOG CONTROL LAW"

DECEMBER 8, 2010  
PAGE 5

RESOLUTIONS  
CONTINUED

1. License fees for dogs:
  - a. Town fee for a license for a spayed or neutered dog: \$7.50 per license year;
  - b. Town fee for a license for an unspayed or unneutered dog: \$15.50 per license year;
  - c. In the event the Town Board mandates a dog census, an additional fee of \$5.00 will be assessed to all dog owners whose dogs are found to be unlicensed at the time the dog enumeration is conducted; this fee is in addition to the license fees set forth above.
2. Redemption fees:
  - a. For first occasion: \$50.00;
  - b. For second occasion: \$100.00;
  - c. For third and subsequent occasion(s): \$200.00;
  - d. In addition to the above redemption fees, the redeeming party shall also pay all costs incurred for kenneling, impoundment and veterinary care including such items as required shots.
3. Adoption Fee: \$50.00
4. Fines:
  - a. Minimum: \$50.00
  - b. Maximum: \$250.00
5. Civil Penalties:
  - a. First offense:
    - i. Minimum: \$100.00
    - ii. Maximum: \$300.00
  - b. Second and subsequent offenses:
    - i. Minimum: \$200.00
    - ii. Maximum: \$600.00

Councilman Johnson said he met with John Daley, Highway Superintendent regarding purchasing trucks. Following research, they agree that Mack trucks are the ones that should be purchased and they are working with bond counsel on the best way to do the bonding for these trucks. A special meeting may have to be held in the next week or so to move the bond process along.

**JOHNSON**

Supervisor Kelly reported that last evening, Pearl Harbor Day, an unknown individual donated a live armor piercing round to the American Legion building without anyone knowing. Fortunately, the Legion was having a meeting and realized what this was and called the State Police. The State Police evacuated the building and monitored the neighborhood and had the bomb squad remove it. He said the State Police and Dutchess County Sheriff's Office did a good job.

**KELLY**

Supervisor Kelly said he appreciated people attending meetings throughout the year and wished everyone Happy Holidays and a Merry Christmas.

Supervisor Kelly opened the meeting for public comment.

**PUBLIC  
COMMENT**

Phil DeRosa said he received a letter from the Dutchess County Water Wastewater Authority dated December 6, 2010 and it states what they plan to do with the water system in Holmes. He has submitted this letter to the Board members. They are working on getting grants to update the water system. He asked if the Town Board

**DECEMBER 8, 2010**  
**PAGE 6**

**PUBLIC**  
**COMMENT**  
**CONTINUED**

would write a letter supporting obtaining grant monies and low interest loans for the water system. Mr. DeRosa wished everyone happy holidays.

The Town Board agreed to write a letter of support and it was agreed that Councilman Upham would write the letter.

There were no further comments from the audience.

The motion to adjourn the meeting was made by Supervisor Kelly at 8:20 PM, seconded by Councilman Johnson, motion passed unanimously.

---

Town Clerk