

Supervisor David P. Kelly opened a Special Meeting of the Town Board of the Town of Pawling at 9:00 AM March 18, 2011 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham and Montemarano and one interested citizen. Councilman Mayer was absent.

**SPECIAL  
MEETING**

Supervisor Kelly welcomed Councilman Montemarano to his first official meeting.

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

**PUBLIC  
COMMENT ON  
AGENDA ITEMS**

Motion to accept counsel's recommendation on the settlement agreement with WRS in the amount of \$75,000.00 was made by Supervisor Kelly, seconded by Councilman Johnson.

**WRS  
SETTLEMENT**

Supervisor Kelly said the packet in front of the Board contained the settlement agreement that was signed by a WRS representative and it has the current billing that is established with that settlement. Michael Hayes, counsel for the Board, recommended that this case be settled after negotiations with WRS. There is a savings with this settlement of approximately \$15,000.00. WRS will continue to work with Mr. Hayes on future actions.

Councilman Johnson added that this happened through no fault of how the Town's contract was written, it is just the nature of the beast of this type of project. It was a learning process for everyone and the Board in that they have to have both eyes open and expect to have additional expenses whenever a project like this is done.

Supervisor Kelly said that is correct and the Board is not experts and that is why the Board hires consultants. The Board did the best they could with the knowledge they had.

The motion passed unanimously.

Supervisor Kelly made a motion for counsel to draft a letter to Envirologic to open discussions on the billing process with the Town of Pawling, seconded by Councilman Johnson.

**COUNSEL TO  
WRITE LETTER  
TO ENVIROLOGIC**

Supervisor Kelly said he has tried to reach Envirologic three times and had spoken to someone twice. In the last phone call, he was to receive a return phone call from someone in their billing department and that has yet to happen. Therefore, counsel has recommended that he move forward with a letter to begin a discussion with Envirologic.

The motion passed unanimously.

Supervisor Kelly said he and Wendel Weber met with the Chairman of the Board and Executive Director of the Dutchess County Water Wastewater Authority this past Wednesday. This was an impromptu meeting. Representatives of DCWWA explained that they had released the well drilling contract that day. There were some changes in the contract due to NYS Department of Health, which changed the whole bid parameter. Within the next week or two the well should be drilled. It has taken DCWWA seventeen months to get the authorization to drill the well from NYS Dept. of Health. He has asked that Councilman Upham be copied on all correspondence so the Board will be kept up to date on what is going on. Also, the testing on the water coming out of the wellheads is showing that the water is fairly adequate. The problem is that when the water hits the line and it is chlorinate, there are by products of the chlorination process. There are many things that are contributing to the by products and items and color of the water. DCWWA has hired a chemist company to breakdown the chemical process and clear up each portion of what is happening and help develop the water purification system. They will have to build a purification plant. The Chairman of DCWWA hoped that in this calendar year, the RFP's released and hopefully begin the construction of the purification plant.

**UPDATE ON  
DCWWA  
TAKEOVER OF  
SHOREHAVEN  
WATER SYSTEM**

Councilman Upham made a motion for the Town of Pawling to offer its employees the opportunity to participate in the IRS 125(c) allowance flexible spending account, seconded by Supervisor Kelly.

**APPROVAL OF  
FLEXIBLE  
SPENDING  
ACCOUNTS FOR  
TOWN  
EMPLOYEES**

Councilman Johnson said he was under the impression that when the union contract was adopted, this was already done.

Supervisor Kelly said he did not know if the Board had actually adopted this at that time.

Councilman Johnson asked if there would be a separate motion to award it to someone.

APPROVAL OF  
FLEXIBLE  
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ACCOUNTS FOR  
TOWN  
EMPLOYEES

Supervisor Kelly said Councilman Upham could change his motion to say the Board would authorize the vendor upon his recommendation.

Councilman Johnson said this was an excellent idea and he supported it but he would abstain as it deals with insurance and he understood that Emery & Webb is one of the vendors.

Supervisor Kelly said for the record, there are two companies the Board is looking at, one is the Town's current insurance agency Emery & Webb and the other is Marshall and Sterling.

Supervisor Kelly offered an amendment to allow Councilman Upham's recommendation for the Town to enter into 125(c) FSA with the Town of Pawling and for the Town Supervisor to sign a contract on Councilman Upham's recommendation, seconded by Councilman Montemarano.

ROLL CALL VOTE ON THE AMENDMENT:

Councilman Johnson – "ABSTAINED"                      Councilman Upham – "AYE"

Councilman Mayer – "ABSENT"      Councilman Montemarano – "AYE"

Supervisor Kelly – "AYE"

ROLL CALL VOTE ON THE MOTION:

Councilman Johnson – "ABSTAINED"                      Councilman Upham – "AYE"

Councilman Mayer – "ABSENT"      Councilman Montemarano – "AYE"

Supervisor Kelly – "AYE"

WORKPLACE  
VIOLENCE  
TRAINING

Councilman Upham said the training on Workplace Violence will be held on April 14, 2011 at 2:30 PM. The Town has a requirement to educate its employees about workplace violence according to NYS law as well as develop a policy. The policy is pretty much done.

PUBLIC  
COMMENT

Supervisor Kelly opened the meeting for public comment and there was none.

The motion to adjourn was made by Supervisor Kelly at 9:17 AM, seconded by Councilman Montemarano, motion passed unanimously.

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Town Clerk