

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:08 PM April 13, 2011 at the Holmes Whaley Lake Civic Association, 245 Route 292, Holmes, New York. Present were Councilmen Johnson, Upham, Montemarano, Mayer and approximately 15 interested citizens.

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

**PUBLIC
COMMENT ON
AGENDA ITEMS**

The motion to approve the minutes of March 2, 2011 was made by Councilman Mayer, seconded by Councilman Johnson, motion passed unanimously.

MINUTES

The motion to approve the minutes of March 9, 2011 was made by Councilman Johnson, seconded by Councilman Montemarano, motion passed unanimously.

The motion to approve the minutes of March 18, 2011 was made by Councilman Johnson, seconded by Councilman Upham and passed with the following roll call vote:

Councilman Mayer – “ABSTAINED”

Councilman Upham – “AYE”

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly “AYE”

**CONSENT
AGENDA
RESOLUTIONS**

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

**Resolution 2011062
Workplace Violence Prevention Policy**

Whereas, the Town of Pawling regularly updates the employee handbook for matters of compliance and other general updates, and

Whereas, Section 900, titled “Compliance Policies” of the Town of Pawling Employee Handbook makes references to policies required by New York State and policies set by the Town of Pawling, now, therefore, be it

Resolved, that the Town Board hereby adopts Policy 900 – 10 entitled “Workplace Violence Protection”, and, be it, further

Resolved, that a copy of the “Workplace Violence Protection Policy” is attached to this Resolution, and, be it, further

Resolved, that a copy of this new policy shall be distributed to each town employee upon its adoption.

**Resolution 2011063
Dutchess Community College – GED Program**

Whereas, the Town of Pawling is in receipt of a request from the program director for the General Equivalency Diploma (GED) program from Dutchess Community College (DCC), and

Whereas, DCC has requested a time change in the program that the Town of Pawling has offers the area residents, and

Whereas, DCC is requesting the use of the facility for the evening hours during the summer of 2011, now, therefore, be it

Resolved, that the Town Board hereby authorizes Councilman Johnson and Councilman Upham to discuss the necessary arrangements with Dutchess Community College and to include Superintendent of Buildings and Grounds for the necessary logistics requirements of both the Town of Pawling and DCC, and, be it further

Resolved, that upon reaching the necessary agreements with Dutchess Community College that the Supervisor of the Town of Pawling is hereby authorized to sign said agreements with Dutchess Community College.

**Resolution 2011064
Rebuilding Together Dutchess County**

Whereas, the Not for Profit agency “Rebuilding Together Dutchess County” works with volunteers to undertake home improvement projects for certain individuals within Dutchess County at no cost to the homeowner, and

Whereas, the Town of Pawling Building and Zoning Administrator has submitted a request for the Town of Pawling to waive any fees related to a building permit for the project slated within the Town of Pawling, now, therefore, be it

Resolved, that the Town Board hereby authorizes that the fees be waived for the Building Permit on the Town of Pawling project for 2011.

**Resolution 2011065
Stormwater Management Annual Report**

Whereas, the Town of Pawling is required to submit the annual Storm Water Management Plan annual report no later than June 1 of each year, and

Whereas the MS4 Coordinator is responsible for submitting such report to the New York State Department of Environmental Conservation prior to June 1 of each year, and

Whereas, the Town of Pawling is in receipt of a proposal to review the annual report prior to submitting said report to New York State Department of Environmental Conservation, now, therefore, be it

Resolved, that the Town Board hereby authorizes the appointment of the firm Stormwater Management Consultants, Inc. to review the annual report at a cost not to exceed \$500 as defined in the proposal dated March 20, 2011.

**Resolution 2011066
Dutchess Communities Regional All Hazards Mitigation Plan**

WHEREAS, the Town of Pawling has participated in a collaborative, multi-jurisdictional hazard mitigation planning process undertaken by the Towns of Amenia, Beekman, Dover, Milan, North East, Pawling, and Pine Plains, and the Villages of Millerton and Pawling (the “Participating Jurisdictions”) to gather information and prepare the Northern and Eastern Dutchess County Communities Regional Hazard Mitigation Plan (“the Plan”); and

WHEREAS, the plan development process was undertaken by a Core Planning Group consisting of one designated representative from each of the nine participating jurisdictions, with support from consultants at URS; and

WHEREAS, the Plan has been prepared in accordance with the Disaster Mitigation Act of 2000 and has been approved by FEMA; and

WHEREAS, the Town of Pawling understands that FEMA requires continued participation hereafter in the Plan Maintenance phase (as described in the Plan’s Section 9) in order for the Town of Pawling to continue to remain in good standing with FEMA as part of this multi-jurisdictional endeavor; and

WHEREAS, the Town of Pawling acknowledges its continued responsibility as a Participating Jurisdiction to maintain a designated representative to serve on the Core Planning Group hereafter; and

WHEREAS, the Town of Pawling understands that its designated Core Planning Group Member shall be required to contribute to annual Plan Maintenance and Update activities as described in Section 9 of the Plan, with updates no less than every five years; and

WHEREAS, the Town of Pawling understands that Plan Maintenance activities shall be lead by a Core Planning Group Chairperson who shall be one of the nine Core Planning Group Members and who shall be so designated once each year by the Core Planning Group members; and

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CONSENT
AGENDA
RESOLUTIONS
CONTINUED**

WHEREAS, the Town of Pawling is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; now, therefore, be it

RESOLVED, the Town of Pawling adopts the Northern and Eastern Dutchess County Communities Regional Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions identified in the Plan.

Supervisor Kelly moved to the non-consent agenda.

**NON-CONSENT
AGENDA**

**Resolution 2011059
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 \$ 13,714.70 for the period of January 2011 through March 2011 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the Billing as recommended for Pawling Water District #2.

MOTION: Councilman Johnson

SECOND: Councilman Upham

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman Mayer – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2011060
Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of April 2011 and has offered them for review, and

Whereas, the vouchers have been approved in accordance with the Town of Pawling policy, and

Whereas, the vouchers have been numbered 20110278 through 20110434, now therefore, be it

Resolved that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$303,169.98.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman Mayer – “AYE”

Supervisor Kelly – “AYE”

Resolution 2011061
Pawling Central School - Dutcher Golf Course

**NON-CONSENT
AGENDA
CONTINUED**

Whereas, the Pawling Central School District and Trinity Pawling School have requested the use of the Dutcher Golf Course for the season of 2011 for the purpose of holding golf meets, and

Whereas, the Town of Pawling has donated the green fees to the school(s) in previous years for such purpose, now, therefore, be it

Resolved, that the Town Board hereby authorizes the use of the Dutcher Golf Course to the golf teams of Pawling Central School District and Trinity Pawling School for the 2011 season, and be it further,

Resolved, that the scheduling of matches at the Dutcher Golf Course shall be coordinated through the liaison of the Town Board and the Club House Contractor for the season of 2011 and each organization shall comply with the rules and regulation of the Town of Pawling and that of golf etiquette.

MOTION: Councilman Johnson
SECOND: Councilman Mayer

Councilman Johnson said there is a tremendous relationship between the private school Trinity Pawling and the public schools, it is kind of an unwritten shared services agreement. Trinity Pawling allows others to use their track and gives ice time and so on so allowing their 10 or 15 kids to come in and learn the game of golf and sportsmanship he felt was a well worthwhile trade off.

Supervisor Kelly said he would be abstaining from this vote as he is an employee of Trinity Pawling School.

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman Upham – “AYE”
Councilman Montemarano – “AYE” Councilman Mayer – “AYE”
Supervisor Kelly – “ABSTAINED”

Resolution 2011067
Highway Department – Facilities Use

Whereas, the Superintendent of Highways has requested to the Town Board for consideration for use of the Highway Building to be used as a Inspection Station for other municipalities in Dutchess County, and

Whereas, the use of the Highway Building for said purposes should be considered to be Shared Services between the municipalities, and

Whereas, the use of the facilities will be coordinated through the Superintendent of Highways during non working hours, and

Whereas, the Towns Insurance Agent request that the Town purchase a separate policy to cover the exposure to the Town to house other municipalities’ equipment, now, therefore, be it

Resolved, the Town Board hereby authorizes the Superintendent of Highways to allow the NYS Certified Inspector to conduct annual inspections, and, be it, further

Resolved, that the Town Board will secure the addition insurance coverage to be funded out of the Highway Department with Budget Transfers as follows:

Decrease:	5110.400DB	\$1000.00
Increase:	5148.400DB	1000.00

and, be it, further

Resolved, that the Town Board may restrict the use of the facilities at any time in the future with written notice from the Supervisor's office to the Superintendent of Highways.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Councilman Johnson made a motion to table this until next month to research whether or not the Town may be able to avoid the insurance increase by allowing the Town's mechanic to do the inspections at the Town of Dover's facility.

Councilman Upham asked if this would apply to other municipalities.

Supervisor Kelly felt that John Daley, Highway Superintendent's consideration was for the Town of Dover as they had contacted him. He thought it could be made available for other municipalities under a shared services agreement. This would be a courtesy to help out other municipalities, not a business.

Councilman Mayer felt it seemed like a very high insurance premium to insure inspecting the trucks.

Supervisor Kelly said the premium is \$770.00 annually.

Lori Johnson from Emery Webb, the Town's insurance agent said the insurance coverage is so that if another town's truck was in the Town of Pawling's garage and the truck burns up, the Town of Pawling is liable to replace the truck. If the inspection could be done in another town's garage, the Town of Pawling would not have that liability.

Councilman Montemarano said his expectation was that the other town would bear the cost of the insurance. He did not know what the Town of Pawling gained other than spending more money on insurance. Additionally, the Town of Pawling does have to have a shared services agreement as part of this arrangement.

John Daley, Highway Superintendent said the Town of Dover has given him the use of their trucks in the past and helped him on Dodge Road for two days at an approximately savings to the Town of Pawling of \$1,000.00 per day. The Town of Dover Highway Superintendent has made it clear that whenever he needs assistance, she is willing to lend a hand.

Councilman Montemarano said that is fairly typical of towns. The issue of having another town's vehicle under our exposure is a different exposure. He was also concerned that the facility has to be approved by NYS Dept. of Motor Vehicles as an inspection facility.

Mr. Daley said the inspections would need to be done in Pawling as the Town of Pawling highway garage is a NYS approved inspection facility.

Councilman Johnson said he assumed the insurance would be borne by the budget in the highway department and if the Highway Superintendent feels this is beneficial to him, and then he would rescind his motion to table.

Councilman Johnson rescinded his motion to table this resolution and Councilman Mayer rescinded the second on the resolution.

Supervisor Kelly offered an amendment to the resolution that, "Further resolved that the Supervisor enter into an intermunicipal agreement with said municipalities prior to any work commencing", seconded by Councilman Johnson, motion passed unanimously.

ROLL CALL VOTE ON THE MOTION:

Councilman Johnson – "AYE"

Councilman Upham – "AYE"

Councilman Montemarano – "NAY"

Councilman Mayer – "AYE"

Supervisor Kelly – "AYE"

Resolution 2011068
Award Bid – Roof Project (HWLCAB)

WHEREAS, bids were duly advertised and requested for the Roof Project at the Holmes Whaley Lake Civic Association Building (HWLCAB) in Holmes, NY, and

WHEREAS, bids were received as a result of the solicitation and were publicly opened and read aloud at 2:00pm, on April 13, 2011, and

NON-CONSENT
AGENDA
CONTINUED

WHEREAS, bid specifications submittal information will be reviewed and tabulated by the Supervisor of Buildings and Grounds Department, Liaison to the Buildings and Grounds Department and the Supervisor of the Town of Pawling, and

WHEREAS, a copy of the bid specification submittal cover sheets as attached herein, now, therefore be it

RESOLVED, that the bid received for the project at the Holmes Whaley Lake Civic Association Building, in accordance with the specifications, be awarded on the recommendation of the Liaison to the Buildings and Grounds Department and the Supervisor is hereby authorized to sign said notice to proceed at a future date.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman Upham – “AYE”
Councilman Montemarano – “AYE” Councilman Mayer – “AYE”
Supervisor Kelly – “AYE”

ANIMAL CARE
FACILITY
AGREEMENT FOR
DOG CONTROL

Supervisor Kelly made a motion to approve the Supervisor to sign an agreement between the Town of Pawling and an animal care facility to house detained animals by the Town’s animal control officer once an agreement is drafted and approved by the sheltering agency and legal counsel, seconded by Councilman Johnson, motion passed unanimously.

SET SPECIAL
MEETING/PUBLIC
HEARING -
SUBSURFACE
DISPOSAL
SYSTEM PUMP
OUT – 5/20/11

The motion to set a public hearing on Friday, May 20, 2011, at 9:00 AM for a local law on subsurface disposal system pump out was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

JOHNSON

Councilman Johnson said he met with the Rotary Board to discuss The Interact Club, which is a growing group. This is not something the Board had budgeted for but Rotary is helping with funding and they have made a commitment to cover a big portion of that for the Town. Some of that may be done by a fundraiser and to cover their expenses.

KELLY

Supervisor Kelly said he met with the Dutchess County Sheriff’s Office because a person was arrested last evening for breaking into the Lyons Club building at Murrow Park. The person is from Maryland and will be prosecuted. He has been working with John Daley, Highway Superintendent, Kelly O’Rourke and Jerry Terwilliger on reimbursement from FEMA for the snowstorms of December 26th and 27th storms. The Town is eligible for reimbursement for those storms and he thanked Mr. Daley, Ms. O’Rourke and Mr. Terwilliger for their work on that. He announced the “Rebuilding Together” program through Dutchess County where people below certain income limits are eligible to have work done on their homes if they have building code violations. He announced that Hazardous Waste pickup day will be held on May 7, 2011 at the Pawling Fire House. The fee is \$5.00. He reminded everyone that Town offices are closed tomorrow at noon for a mandatory town wide training session. He asked the Board if they wanted to have the employee at the Transfer Station to attend the training and close the Transfer Station or have him trained separately.

Following discussion, it was agreed by the Board that the Transfer Station would be left open and the employee would be trained separately.

PUBLIC
COMMENT

Supervisor Kelly opened the meeting for public comment.

Ed Munning, President of the Holmes Whaley Lake Civic Association said he received a note from a resident who was concerned about large trucks using South Road. He thanked the Board for all of the work that has been done to the Holmes Whaley Lake Civic Association building. He thanked Vinny DiMarco, Phil DeRosa

and all other volunteers who helped. He said the HWLCA donated \$12,282.00 to the building repairs.

Harvey Matcovsky thanked Tom Rose for doing the podcasts of Town Board meetings. He said his Comcast service has been restored as of Friday and he was happy about that. He felt it was a good move to allow Trinity Pawling School to use the Dutcher Golf Course. The Pawling Central School District hockey team uses facilities at Trinity Pawling School. He hoped that Trinity Pawling School would waive fees that Pawling High School pays.

The motion to adjourn was made by Councilman Johnson at 7:28 PM, seconded by Councilman Mayer, motion passed unanimously.

Town Clerk