

Deputy Supervisor William B. Johnson, in the absence of Supervisor David P. Kelly, opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM June 8, 2011 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Upham, Montemarano, Mayer and approximately 6 interested citizens.

**JUNE 8, 2011**

Deputy Supervisor Johnson said Supervisor Kelly is absent tonight because he is receiving an award for 20 years of service at his job at Trinity Pawling School. He congratulated Supervisor Kelly for that.

The motion to approve the minutes of May 4, 2011, May 11, 2011 and May 20, 2011 was made by Councilman Montemarano, seconded by Councilman Upham, motion passed unanimously.

**MINUTES**

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

**PUBLIC  
COMMENT ON  
AGENDA ITEMS**

**Resolution 2011082  
Payment of Bills for the Town of Pawling**

**RESOLUTIONS**

**Whereas**, the Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of May 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 20110605 to 20110724, now therefore, be it

**Resolved**, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper hereby authorizes payment of said vouchers for the Town of Pawling on this Date in the amount of \$212,083.37.

MOTION: Councilman Johnson

SECOND: Councilman Upham

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman Mayer – “AYE”

Supervisor Kelly – “ABSENT”

Councilman Mayer said the Hoffman Trust paid for photographs to be matted and framed and that is a gift to the Holmes Whaley Lake Civic Association building from the Hoffman Trust.

**MAYER**

Deputy Supervisor Johnson read an email from Michael P. Andrews commending the Town of Pawling for the excellent job that was done running the Triathlon. Deputy Supervisor Johnson thanked Melissa Smith, Recreation Director and her staff for their work on the Triathlon and stated that the Triathlon funds the Teen Center.

**JOHNSON**

Deputy Supervisor Johnson read into the record the obituary of Judge James DeWitt Benson, II, who was the Town of Pawling Town Clerk in the 1970’s to the 1980’s. The obituary was as follows:

**FLAG TO FLY AT  
HALF STAFF FOR  
JAME DEWITT  
BENSON**

**James DeWitt Benson II (1922 - 2011)**

WINSTON-SALEM, NC- Judge Benson, 88, died on May 10, 2011 in North Carolina, with family nearby.

The Judge was born September 24, 1922, at the 1740 family Farm in Amenia, NY. This became his beloved home for much of his adult life. Benson was a direct descendant of Dr. Josiah Bartlett, signer of the Declaration of Independence.

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**FLAG TO FLY AT  
HALF STAFF FOR  
JAME DEWITT  
BENSON  
CONTINUED**

While at Cornell University, Judge Benson married Catherine Deck, the mother of his five children. He enrolled in ROTC; serving for three years as a U.S. Army Captain stationed in the Philippines during [WWII](#). He remained in the Army Reserves for many years. After discharge from the service, Benson returned to Ithaca, N.Y. where he completed his studies, ultimately earning his J.D. from Cornell. He was soon admitted to the New York State Bar Association. Judge Benson built a private law and real estate brokerage practice in Pawling, NY.

He served as Confidential Law Secretary for Hon. John P. Donahoe, Justice of the Supreme Court, Putnam County, from 1962 until 1976. During those years, he served as the Pawling Town Clerk. In 1976, Benson was elected Dutchess County Attorney. Following his term in office, he was elected Dutchess County Executive; then Justice of the Surrogate's Court before becoming Acting Supreme Court Justice of the 9th Judicial District in which he served for ten years. As a Supreme Court Justice, the Judge presided over numerous cases grounded in environmental and municipal law.

Following retirement from the bench, Judge Benson practiced as legal counsel at the Poughkeepsie law firm of VanDeWater and VanDeWater, where he practiced, inter alia, estates, trusts, litigation, environmental and municipal law. Benson presided as appointed Judicial Hearing Officer over actions in eight counties in Eastern New York State.

In 1998, West Group published the six volume series General Practice In New York, co-edited by Benson.

Judge Benson was a member of the Executive Committee of the Dutchess County Environmental Management Council, a trustee of the Sharon Hospital, Sharon, CT, a member of the Aldo Leopold Society of the Institute of Ecosystems Studies, and Chairman of the Long Rang Planning Committee of the New York YMCA Holiday Hills Board of Managers.

Judge Benson is survived by his children: Catherine DeWitt Benson Kornegay, of Summerfield, NC, Marylou Benson, of Danbury, CT, James D. Benson III, of Pawling, NY, Rachele Benson, of Brattleboro, VT, seven grandchildren and three great grandchildren.

His children thank his peers and associates in Dutchess County and the Dutchess County Bar Association for their continued support and kindnesses towards our Dad, who preferred that we also call him "Judge".

The motion for the Town flag to fly at half staff next Friday in Judge Benson's honor was made by Deputy Supervisor Johnson, seconded by Councilman Mayer, motion passed unanimously.

**PUBLIC  
COMMENT**

Deputy Supervisor Johnson opened the meeting for public comment.

Vinny DeMarco thanked Councilman Mayer for the wonderful gift of photos for the Holmes Whaley Lake Civic Association building. He invited everyone to Whaley Lake Cleanup Day on Saturday, June 11, 2011.

Phil DeRosa also reminded everyone about Whaley Lake Cleanup Day and stated this has been done for about ten years. He said the cleanup of Whaley Lake is an educational thing and is also used as the Town's MS4 regulatory obligations.

There were no further comments from the audience.

The motion to adjourn the meeting was made by Councilman Mayer at 7:10 PM, seconded by Councilman Montemarano, motion passed unanimously.

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Town Clerk