

Elected Officials							
Town Justice	Kevin Denton			6	01/01/2011 to 12/31/2014	N	22.22
Town Councilman	Michael Montemarano			6	03/09/2011 to 12/31/2011	N	21.7

On this 13th day of July, 2011

Catherine Giordano July 13, 2011

I, Catherine Giordano, clerk of the governing board of the Town of Pawling of the State of New York, do hereby certify that I have compared the foregoing with the original resolution passed by such board, at a legally convened meeting held on the 13th day of July, 2011 on file as part of the minutes of such meeting, and that same is a true copy thereof and the whole of such original.

I further certify that the full board, consists of five (5) members, and that 5 of such members were present at such meeting and that 5 of such members voted in favor of the above resolution.

IN WITNESS WHEREOF, I have hereunto Set my hand and the seal of the
Town of Pawling.

**JULY 13, 2011
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**Resolution 2011090
Stipulation of Settlement Index number 2007/ 7939, 2008/ 5620,
2009/5581 & 2010/5512**

**CONSENT
AGENDA
RESOLUTIONS
CONTINUED**

Whereas, a tentative settlement has been agreed to between the Town of Pawling, Assessor for the Town of Pawling and Assessment Board of Review vs. Stephen Degarary & Sandra Degarary for tax years 2007, 2008, 2009 and 2010, and

Whereas, it is in the best interests of the Town of Pawling and its residents that the settlement be approved, now therefore be it,

Resolved, that the Pawling Town Board hereby accepts the recommendation of the Town Assessor and Legal Council in a matter of a Stipulation of Settlement with Stephen Degarary & Sandra Degarary, and be it further

Resolved, that the assessments on said parcel included be reduced in value within the recommendations of the Assessor and Legal Council.

**Resolution 2011092
Proclamation: 2011 Watershed Awareness Month**

Whereas, water quantity and quality are basic ingredients to health and quality of life in the Town of Pawling and in Dutchess County, and to many residents get their drinking water from private wells and rely on private septic systems; and

Whereas, water exists in watersheds that extend beyond municipal boundaries and Dutchess County's municipalities are working together to protect water resources; and

Whereas, there is a need to educate all members of the community about how watersheds contribute to the health and quality of life Dutchess County, recreational activities they provide, and how daily actions can affect the quality and quantity of water in the watershed; and

Whereas, Dutchess County has a new interactive website that provides information on all four of its major watersheds, and includes maps created with Dutchess County's

new GIS system, where this information can be view by visiting the web site at www.dutchesswatersheds.org; and

Whereas, Dutchess County is an innovator in organizing watershed groups, now, therefore, be it,

Resolved, the Town of Pawling proudly proclaims the month of July 2011 as Watershed Awareness month and encourages all municipal officials, it's citizens and visitors to participate in the scheduled activities to learn more about the watershed; where they contribute to health and quality of life, recreational activities they provide, and how daily actions can affect quantity and quality of the water in watersheds

Supervisor Kelly moved to the non-consent agenda.

CONSENT
AGENDA
RESOLUTIONS
CONTINUED

NON-CONSENT
AGENDA
RESOLUTIONS

Resolution 2011087
Payment of Bills for the Town of Pawling

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of July 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 _____ to _____, 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 \$ _____.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly offered an amendment to add in the third paragraph the numbers 20110725 through 20110886 and under the resolved to add the dollar amount of \$256,357.02, seconded by Councilman Johnson, motion passed unanimously.

ROLL CALL VOTE ON THE RESOLUTION:

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

Resolution 2011091
FORMATION OF EAST OF HUDSON WATERSHED CORPORATION

WHEREAS, the Town of Pawling is a member of the East of Hudson Coalition (“EOH Coalition”), an association of municipalities located in the New York City watershed east of the Hudson River (“EOH Watershed”); and

WHEREAS, the Town of Pawling and the other members of the EOH Coalition are individually subject to General Permit GP-0-10-002 for Municipal Separate Storm Sewer Systems (“MS4 Permit”), pursuant to which municipalities are required to implement stormwater retrofits and encouraged to participate in a regional stormwater retrofit plan; and

WHEREAS, the EOH Coalition was successful in negotiating on behalf of its members Special Condition 34 of the Water Supply Permit issued by the Department of Environmental Conservation (“NYSDEC”) on December 24, 2010 (“2010 WSP”), which requires New York City (the “City”) to provide \$15.5 million to the EOH communities to help fund implementation of their regional stormwater retrofit plans; and

WHEREAS, the EOH Coalition has negotiated an agreement with the City (the “Funding Agreement”) which will enable the City to transfer the \$15.5 million

provided for in the 2010 WSP and the \$4.5 million provided for in the 2007 Filtration Avoidance Determination (“2007 FAD”) to the EOH communities; and

WHEREAS, the 2010 WSP encouraged the formation of a regional stormwater entity (“RSE”) to organize, administer and implement the stormwater retrofit projects, by providing that up to \$50,000 of the \$15.5 million could be used by the EOH communities for the formation of the RSE; and

WHEREAS, the EOH Coalition has drafted articles of incorporation and bylaws for an RSE, which have been favorably reviewed by NYSDEC and the City, to be known as the East of Hudson Watershed Corporation (“EOH Watershed Corporation”), the members of which would be the municipalities located in the EOH Watershed and the Board of Directors of which would be the chief elected officials of the members; and

WHEREAS, the execution of the Funding Agreement and the payment of the \$15.5 million by the City under the Funding Agreement cannot occur until the EOH Watershed Corporation is formed; and

WHEREAS, it is in the best interest of the [Town/Village/County] to authorize the formation of and become a member of the EOH Watershed Corporation for the purpose of jointly organizing, administering and implementing the regional stormwater plans under the MS4 Permit;

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling authorizes the formation of and consents to be a member of the EOH Watershed Corporation, with articles of incorporation and bylaws substantially in form and substance as annexed hereto; and

BE IT FURTHER RESOLVED, that David P. Kelly, the Supervisor of the Town of Pawling is hereby designated to serve as the initial member of the Board of Directors of the EOH Watershed Corporation as provided in said articles of incorporation and bylaws.

BE IT FURTHER RESOLVED, account 1990.400-B be reduced by the amount necessary to cover the legal fees and shall not exceed \$4500.00

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 2011094
NOTICE OF PUBLIC HEARING FOR THE TOWN OF PAWLING
COMPREHENSIVE PLAN UPDATE (CPU)**

Whereas, the Town Board of the Town of Pawling is considering adoption of a Draft Comprehensive Plan Update (CPU) based upon previous studies, reports and plans prepared for the Town. The CPU identifies the vision, goals and strategies for sustainable development; and high quality of life; and serves as a design for the future of Pawling, and

Whereas, as part of the CPU, the Town Board is also considering adoption of Draft zoning amendments to the uses, bulk and supplemental requirements related to the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts to include more uses; emphasized mixed uses; and provide more flexible bulk requirements, and

Whereas, the CPU is posted for the community to peruse on the Town website at: http://www.pawling.org/Pages/PawlingNY_CompPlan/Index, now, therefore, be it

Resolved, the Town Board will hold a public hearing on Wednesday, July 27, 2011 at 7:00 p.m. at the Pawling Town Hall to hear comments from all interested parties on the CPU.

MOTION: Supervisor Kelly
SECOND: Councilman Mayer

Supervisor Kelly offered an amendment to substitute and adopt a resolution that is three parts, the zoning amendments, the SEQRA documents and referrals and the public hearing which are all incorporated into one document in order to move all three documents at the same time, seconded by Councilman Johnson, motion passed unanimously. The resolution adopted is below.

Resolution 2011094
RESOLUTION OF THE TOWN OF PAWLING TOWN BOARD
REGARDING COMPREHENSIVE PLAN UPDATE (CPU) AND ZONING
AMENDMENTS
INITIATION OF SEQRA, REFERRALS AND
CPU PUBLIC HEARING

Date: July 13, 2011

WHEREAS, the Town Board of the Town of Pawling is considering the Draft Comprehensive Plan Update (CPU) based upon previous studies, reports and plans prepared for the Town of Pawling; and

WHEREAS, by identifying the vision, goals and strategies by which the Town intends to achieve sustainable development; high quality of life; and to direct actions and resources in response to the needs of its residents, businesses and visitors; this CPU will act as a design for the future of Pawling; and

WHEREAS, the Town Board is also considering Draft zoning amendments to the uses, bulk and supplemental requirements related to the HA (Hamlet), HB (Highway Business) and I (Industry) zoning districts to include more uses; emphasized mixed uses; and provide more flexible bulk requirements; and

WHEREAS, the zoning amendments, attached to the CPU as Appendix C, are proposed for adoption with the adoption of the CPU; and

WHEREAS, a Full Environmental Assessment Form (Full EAF) has been prepared to address adoption of the CPU and the proposed zoning amendments together as the "Proposed Action" pursuant to 6 NYCRR Part 617, New York State Environmental Quality Review Act (SEQRA) regulations;

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling Town Board hereby classifies the Proposed Action as a Type 1 Action, pursuant to SEQRA section 617.4 and 617.6; and

BE IT FURTHER RESOLVED, that the Town Board hereby declares that it will be the Lead Agency in this SEQRA review as it is the only identified Involved Agency and, therefore, a Coordinated Review under SEQRA is not necessary pursuant to SEQRA section 617.4; and

BE IT FURTHER RESOLVED, that the Town Board, as Lead Agency, hereby determines that the proposed action may have a significant impact on the environment and that a Draft Generic Environment Impact Statement (DGEIS) will be prepared pursuant to SEQRA sections 617.9 and 617.10;

BE IT FURTHER RESOLVED, that the Town Board relies on the supporting reasons set forth in the SEQRA Positive Declaration Notice attached hereto; and

BE IT FURTHER RESOLVED, that a copy, or an electronic version as appropriate, of the SEQRA Positive Declaration Notice, the Draft CPU and the zoning amendments, contained in CPU Appendix C, will be circulated to the interested agencies in the list attached to the Notice; and

NON-CONSENT
AGENDA
RESOLUTIONS
CONTINUED

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on the Comprehensive Plan Update (CPU) on Wednesday, July 27, 2011 at 7:00 p.m. at the Pawling Town Hall to hear all interested parties on the proposed CPU; and

BE IT FURTHER RESOLVED, that notice of said public hearing: shall be published in a newspaper of general circulation in the town at least 10 calendar days before the hearing; and will be duly posted at town hall; and

BE IT FURTHER RESOLVED, that printed copies of the CPU and proposed zoning will be available at town hall and the library; and electronic versions of the CPU and proposed zoning will be available on the town’s website; and

BE IT FURTHER RESOLVED, that the CPU and proposed zoning shall be referred to the Town of Pawling Planning Board in accordance with the NY Town Law section 272-a and the Code of the Town of Pawling Chapter 215, Article VIII, Amendments; and

BE IT FURTHER RESOLVED, that the CPU and proposed zoning shall be referred to the Dutchess County Planning Board in accordance with the NY Town Law section 272-a; Pawling Zoning Article VIII; and General Municipal Law section 239-m.

ROLL CALL VOTE ON THE RESOLUTION:

- Supervisor David P. Kelly “AYE”
- Councilman Mike Mayer “AYE”
- Councilman William Johnson “AYE”
- Councilman Paul Upham “AYE”
- Councilman Michael Montemarano “AYE”

FURTHER
BUSINESS

Supervisor Kelly said in response to Whaley Lake residents who attended last week’s meeting to discuss their displeasure with the Dutchess County Water Wastewater Authority’s takeover of their water system, as of Thursday afternoon, less than 24 hours after that meeting he met with Legislator Thomes and he also met with Chairman Rolison and Chairman of the Budget and Finance Committee Borchert and expressed the concerns of the residents. He has also met with Tom LaGrande, Chairman of the Water and Wastewater Authority a number of times to try to get this project moving forward. He has had many meetings with officials regarding the water system and there will be another meeting the early part of next week to try to get to the bottom of this and move this project forward. He has taken action on the part of the Board to find out what is going on.

The motion to move into Executive Session to discuss a legal matter was made by Supervisor Kelly at 7:17 PM, seconded by Councilman Johnson, motion passed unanimously.

EXECUTIVE
SESSION

The motion to return from Executive Session was made by Councilman Upham at 7:35 PM, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly opened the meeting for public comment.

PUBLIC
COMMENT

Vinny DeMarco said he was thrilled to learn that Supervisor Kelly took the initiative to work on the Shorehaven Civic Association issue that people expressed concern about at the last meeting as it is a really serious matter. He thanked Supervisor Kelly for his work on this issue.

Stephen Sollazzo asked if the EOH Watershed Resolution would offset the cost of MS4.

Supervisor Kelly said yes, there would be 15.5 million available for Highway Superintendents and 3.9 million dollars for filterization avoidance funding from NYC DEP. The Town will be able to petition for those funds.

Chris Wood said the resolution regarding the Comprehensive Plan Update states that the Positive Declaration is attached hereto but it is not.

Supervisor Kelly said that would be attached to the minutes.

Greg Lane from "Pawling Gateway" thanked all of the people who put this Comprehensive Plan together and their hard work, the Ad Hoc Committee and the Town Board. He stated that New York State has regulations that require comment periods so there are all different ways that residents can have to comment, from writing an email to coming to a public hearing. He wanted people to understand that this isn't a process that happens over night.

Anthony Muccioli asked for an update on the Old Pawling Road Bridge.

Supervisor Kelly said the bridge is closed and research is being done.

Highway Superintendent John Daley said he has a meeting scheduled with the MTA to discuss permits.

Mr. Muccioli asked for "detour" signs in that area.

Mr. Daley said he would discuss "detour" signs with the Town of Dover Highway Superintendent and see what could be done about putting "detour" signs up.

Janet Dunn said there is no commercial base in this community and it really affects homeowners. This is a beautiful area and it has a lot to offer and we need to start building a tax base here. People should be able to spend their money here and we should try to attract people to this area.

The motion to adjourn was made by Supervisor Kelly at 7:45 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk