

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM February 1, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Montemarano, DeRosa and approximately 15 interested citizens.

MAEVE WILLIS  
PRESENTATION

Supervisor Kelly said Maeve Willis was scheduled to do a presentation but she was not present.

PROPOSED  
RESOLUTIONS

The Board discussed the proposed resolutions. Following discussion, it was agreed that resolutions 2012043, 2012044, 2012045, 2012047 and 2012050 would be placed on the February 8, 2012 agenda.

APPOINTMENT OF  
TOWN ATTORNEY

**Resolution 2012046  
Appointment Town Attorney**

Whereas, the position of Town Attorney is an appointed position serving for a two-year term at the pleasure of the Town Board, and

Whereas, the current term of the Town Attorney is effective to the date of the January 4, 2012 Town of Pawling reorganization meeting of 2012, now, therefore, be it

Resolved, that Charles Stewart is hereby appointed Town of Pawling Town Attorney

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2012048  
Rescinding Resolution 2011121**

RESCIND  
RESOLUTION  
2011121

Whereas, the Supervisor Office has been in contact with the Dutchess County Human Resources Department concerning the assignment of a newly created position, and

Whereas, the position requested within Resolution 2011121 would restrict the Towns ability to utilize the employee in the best possible manner should the Town have the need for additional help in other town departments, now, therefore, be it

Resolved, that the Town Board hereby rescinds Resolution 2011121

MOTION: Councilman Johnson  
SECOND: Councilman Upham

ROLL CALL VOTE:

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

**Resolution 2012049  
Part Time TYPIST**

PART TIME  
TYPIST

Whereas, the Highway Superintendent has requested to fill the vacancy in the Typist position within the 5010.100 A Budget line, and

Whereas, the Town Supervisors office, after discussion with the Dutchess County Human Resources Department has been advised that the best position is the Part Time TYPIST, now, therefore, be it

**PART TIME  
TYPIST  
CONTINUED**

Resolved, that in the best interest of the Town of Pawling a position of Part Time TYPIST in the EXEMPT Class be establish, this position shall be subject to final approval from the Dutchess County Human Resources Department, and, be it, further

Resolved, that this position shall be posted on the town's web site, Town Clerks Notice Board and with Dutchess County Human Resources Department.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

**ROLL CALL VOTE:**

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

**EXECUTIVE  
SESSION**

The motion to go into Executive Session to discuss personnel and pending applications for the “Typist” position was made by Councilman Johnson at 7:08 PM, seconded by Councilman Upham, motion passed unanimously.

The motion to return to regular session was made by Supervisor Kelly at 7:34 PM, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly said the Board went into Executive Session to discuss a personnel matter and took no action as the position is required to be posted.

**WAIVER OF NON-  
RESIDENT FEES  
FOR BOY SCOUTS**

Councilman Johnson said he has been speaking with the head of Boy Scout Troop 34 with regards the Town Board imposed on non-residents utilizing the Town's facility in a non-charged event. Based on concerns he and the Troop Leader had, he would like to ask the Board to waive this year's charge for the current session which will end in June. He would like to meet with them and discuss some options.

The motion to waive the non-resident fees for the Boy Scouts was made by Councilman Johnson, seconded by Councilman Upham.

Councilman Johnson said the Boy Scouts do a lot of things like collecting food, among other things. They turn out to be fine young men. Currently non-residents are about one third of their organization. If the Board could do something that does not hurt their organization but yet still satisfies Town taxpayers, he thought he could come up with something that would be acceptable to both the Board and the Cub Scouts.

Supervisor Kelly said he had a lengthy conversation with the Troop Leader and he does understand their situation. He understood that this was a service organization. To capture them at a young age and continue to hold them through the process is very important, especially today. His concern, although he would support Councilman Johnson's motion, was that there are large numbers of non-residents using the Town's facility, parents and other children other than the Cub Scouts because parents are required to stay, Town taxpayers are paying the bills for non-residents.

Councilman Johnson said he made it clear to the Troop Leader that the Board would not continue with waivers. Hitting them with this mid-session was hard. They are exploring other options.

The motion passed unanimously.

**NEW CREDIT  
CARD POLICY**

Supervisor Kelly said he and Legislative Aide Todd Bender have been working on a potential new policy regarding personal credit card use for purchases. He would be speaking to the Town Attorney about this and possibly present it to the Board at some point in the near future.

**ETHICS BOARD  
DISCUSSION**

Supervisor Kelly said the second thing he would like to bring up was an issue brought up by Councilman Johnson last month that he felt was taken out of context, heavily out of context. It deals with the Ethics Board and the way the paper construed it, which was dismantling of the Ethics Board. The conversation really went to the fact that this was one of the avenues that the Town was going to look at, if there was an option or possibility for the Town to use the County if the Town wanted to look at alternatives. There has been some conversation about some recommended changes to the Code and improvements to the Code. There is State Law out there that says if the

**ETHICS BOARD  
DISCUSSION  
CONTINUED**

County has an Ethics Board, then the Towns can use it or shall use it. So there is State Law out there. He felt it was misconstrued and misreported and he felt the air needed to be cleared. He felt the Board could have a conversation about things and it is not taken literally that the Board would dismantle something without a proper call. He does not know if any other Board member had but he had not received a call from anyone asking for an opinion, from a reporter or the editor, but he has not.

Councilman Johnson said part of his reason for doing that was to get this off of dead center. The Board is in a position where they need to review their recommendations and review the Town's policy. There is an appointment that needs to be filled and in order to fill it the way the current law is written, the Board would need to reconstitute a "Findings Committee" He felt that those things need to be looked at and the Board needs to do something now so that this can get back in business and not make it a newspaper worthy discussion but instead have a functioning Ethics Board, if that's what the Board so chooses, with whatever changes recommended by both them and us, or the other option was to certainly explore the County. Certainly he is happy to work on this if the Supervisor so desires.

Supervisor Kelly said he would like to ask the Board to allow him to appoint Councilman Johnson and Councilman Upham to a Ad Hoc Committee to review any recommended changes and any changes to the existing code and any other issues to this issue and potentially meeting with a minority of the Ethics Board and report back to the Town Board by the second meeting in March.

Councilman Johnson said he would be happy to do it.

Councilman DeRosa said there are a lot of people to reach out to in order to get more guidance. He just attended the Association of Towns meeting and there were two courses on Ethics Boards and two speakers, one was James Cole from the Association of Towns and the other was Mark Stevens from the Office of the State Comptroller and they spoke specifically about ethics and Ethics Boards, which was very enlightening. He thought it would help the Ethics Board and Town Board to be as educated as they can. He brought back discs for everyone on those programs and he hoped that would update everyone.

Supervisor Kelly said he had three other items that he wanted to bring up under other business. He received a letter from NYSEG stating that they discovered that an employee of an independent software development consulting firm contracted by NYSEG and RGE&E allowed unauthorized access to one of their customer's information systems. The customer's records contained social security numbers, dates of birth and in some instances financial institutions account numbers. He wanted to let everyone know that this is out there.

**NYSEG  
NOTIFICATION  
REGARDING  
UNAUTHORIZED  
ACCESS**

Councilman Upham said there is a website and an insurance policy to protect customers and hold the individual harmless in case there is a problem.

Supervisor Kelly said the Town received the mortgage tax numbers today for January, which was a little over \$18,000.00. The mortgage tax for 2011 ended at \$45,000.00 over projection. The other news is that sales tax is up \$41,000.00 higher, so there is a healthy fund balance now. With John Daley managing the Highway Department and with storms not hitting, there was a deficit when Mr. Daley took over of about \$72,000.00 or \$65,000.00 but there is now a fund balance of \$28,000.00.

**REVENUE UPDATE**

Supervisor Kelly reported that there is a meeting that will happen on Monday with Senator Ball, members of the Castagna Realty Group, Mayor Liffland, Supervisor Kelly, the County Executive's Office and the Director of Economic Development on potential funding for the sewer extension line down Route 22. There have been several meetings over the past couple of weeks on the potential funding request. The applicant is the Town of Pawling and would be asking for a little over seven million dollars. That would pay for the sewer line extension from Route 22 up to the plant, which would end by Trinity Pawling property and dump directly into the plan. It would also include the first set of upgrades for the plant to handle the needed capacity for the first part of the development. The Board received a copy of the proposed letter regarding this issue and he asked the Board to support this proposal and sign the letter. This would be free grant money and there are no ties to it. It is free grant money which would kick start the developers and get them moving. There are many letters of recommendation included with the letter and maps.

**POTENTIAL  
GRANT FOR  
SEWER  
EXTENSION**

Councilman Montemarano asked what the exposure was.

Supervisor Kelly said if the Town gets the free money, zero.

Councilman Montemarano asked if there would be matching funds.

Supervisor Kelly said no, there are no matching funds. He said the cost of 7.8 million dollars would pay for the sewer line extension wholly and pay for the upgrade

to the plant. Any other change orders would be paid for by the district. The district would be formed and it would be against those entities that lie inside the district.

Councilman Montemarano asked if the funding would be collateralized somewhere and what would that be.

Supervisor Kelly said he did not know what the terms of that were.

Councilman Johnson said it would probably have to be bonded. He suggested the letter include that there would be economic benefits to southeastern Dutchess County.

Supervisor Kelly said the Economic Development Director said he would draft that into his letter and address a more regional focus.

Councilman DeRosa asked if there would be application or engineering costs up front that the Town would be liable for.

Supervisor Kelly said the funding for this would be done in the budget for this year and he would have to see when they would release the money. The schedule for this project is June of this year to start the project. That would be the engineering side of it. He felt any work would be contingent upon the availability and release of the funds.

Councilman DeRosa asked if there would be any cost to the Town up front before the money comes for applications or engineering and will there be costs the Town may be liable for if the grant doesn't come.

Supervisor Kelly said it would go back to the district or against the developer's escrow accounts so the Town would not expend money until these escrow accounts are set up.

Councilman Upham asked if the Board was aware of anyone or any group that has objected or brought up any issues with this. If the Board is going to go forward with this, he would like to think that there aren't any odd questions coming out of left field that the Board could anticipate.

Supervisor Kelly said not that anyone has come directly out and said. In the Comprehensive Plan process, there was a comment about a potential project and upgrades to the sewer plant but there is no written, formal letter of concerns. There was the Housatonic Watershed Group that was concerned about flows going north. The Sewer Commission did a study last year about water temperatures and the water was well under the limits.

Councilman Johnson said this would still have to go through SEQRA and that is a long process.

Supervisor Kelly agreed.

Councilman DeRosa said that was his concern, that there would be a long process and costs could build up and he did not want the Town to be liable.

Supervisor Kelly said we don't want to spend our own money. This is for the benefit of two entities. This will create tax revenue in the long run, jobs, better availability for health care, senior citizen services and other opportunities.

Councilman Montemarano asked if the money the Town is applying for is money to improve plant capacity and to put the infrastructure in for the two developers.

Supervisor Kelly said yes, for the current two developers that have discussed formation of the district.

Following further discussion, there was a motion by Supervisor Kelly to accept the letter offered for circulation to the Honorable Dean Skelos, Majority Leader of the New York State Senate, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly said he met with FEMA several times on the Whaley Lake Dam asking for funding to repair the dam damage due to Hurricane Irene. He attended the Dutchess County President's Breakfast, where new County Executive Marcus Molinaro was the guest speaker. He met with Comcast to discuss the franchise agreement. He has attended several meetings of the East of Hudson Water Coalition and they are looking at staffing and office space. He attended the Pawling Fire Department's installation dinner, where he sat across from Bob Davis who ended up passing away two days later. We lost a good person. He attended the monthly Chamber of Commerce meeting and an Executive Board meeting. He and John Daley met with Metro North to discuss the potential use of the Old Pawling Road bridge area that is shut down. They will be doing a project along Metro North in the area of Hobnail Antiques and they are looking for a "lay down" area so there will be a meeting with a representative to discuss this. There was a Sewer Commission meeting at the beginning of the month. There were also several meetings and phone discussions about the meeting with Majority Lead Skelos. He attended the Rotary

Meeting yesterday, where Dr. Conklin from the Community College was the speaker. Lastly, he is going to give the Board a report on cell phone usage, as for the last two years he has been donating his cell phone for use as Town Supervisor. He is incurring hundreds of dollars in phone calls so he will be looking into the possibility of purchasing a phone for the Supervisor or reimbursement for the phone moving forward. He will do some research and bring this back before the Board.

**FEBRUARY 1, 2012**  
**PAGE 5**

**KELLY CONTINUED**

Councilman Johnson said he has spoken with Tom D'Ottavio a couple of weeks ago and he has sold his first membership already this year. He also spoke to him about the increase in the phone bill and he is working with Wendel Weber, Supervisor of Buildings & Grounds to come up with some alternatives to correct that. He met with Melissa Smith, Recreation Director and Robyn Wooley, Assistant Recreation Director, regarding an email received from Christy Reinhardt of Crew's Voice and they worked together and worked out a new program, one of the many programs Ms. Smith and Wooley come up with. He is happy, excited actually to be working on the Ethics Board to straighten out whatever kinks that may exist from its original creation and go forward.

**JOHNSON**

Councilman DeRosa said he attended the Association of Towns meeting for three days and it was very good and he appreciated the Town allowing him to get these courses as it is important. Shorehaven Water District's water had the "Do not drink the water" lifted this week. He attended the meeting last month with the Chairman of the Water District and since then, the notice has been lifted and that is a big step. On the way over, he noticed there were workers on the railroad tracks along Route 292, near the dam. He would keep an eye on this. He has begun to meet with several departments and visit department heads. He has also been trying to help Highway Superintendent Daley with the Old Pawling Road Bridge.

**DEROSA**

Councilman Montemarano said he has asked Wendel Weber, Supervisor of Buildings & Grounds to give a report for the month and Mr. Weber gave the Board an update on current, ongoing and upcoming projects. Councilman Montemarano reported that John Daley, Highway Superintendent is moving ahead with a replacement bridge solution of unlimited capacity on the Old Pawling Road Bridge. He is in the midst of various permitting exercises, rentals of cranes and procurement rules. He is trying to do this with forced labor, his own people in order to preclude the exorbitant expenses of going out to formal bid, which is perfectly legal and normal. He hoped to have cars on that bridge but mid summer at the latest. There are some funding issues but it is moving ahead. Regarding the parks and trails in particular, there have been volunteers working on the trails for many years now, although somewhat unorganized. The Parkland Advisory Council recognized that and recommended formalizing that further and have a regular trails program, which two volunteers have come forward to oversee the trails program, Jennifer Panzer and Jay Gruendle. They will gather approximately 20 volunteers who will be approved by the Board and hoped this would move forward in the spring. There will be marked trail systems, including maps and town wide trail systems. The Town of Pawling is fortunate to have so many volunteers to help. Ms. Willis who was on the agenda for a Girl Scout project, which would be marking trails and he was happy to have her involved.

**MONTEMARANO**

Councilman Upham said he called Jim Cole from the Association of Towns and discussed the trails and said he would share a sample volunteer insurance form with Councilman Montemarano. He has had conversation with town employees about routine stuff. He had a few calls about the ethics article and met for coffee with several people and tried to explain where the Board stands. The usual kind of stuff Board members work on in various ways.

**UPHAM**

Supervisor Kelly opened the meeting for public comment.

**PUBLIC COMMENT**

Vinny DeMarco said it was a pleasure to see the Board working together, it is very much appreciated. He would like to make a couple of comments. The first one, which unfortunately is turning sour, is the Ethics Board. He has sat at these meetings all along and missed only a few and he was hear when the conversation was brought up by Councilman Johnson. He did not understand how a simple conversation could be turned into a negative. Councilman Johnson never stated he wanted to dismantle the Board. He did not read the newspaper report but it was amazing to him how things could be taken out of context for whatever reason. It disturbs him because there is unity in the Town and unity within the Town Board and this was really upsetting to him. He was happy to have learned that Shorehaven water is now

drinkable. He wanted to thank everyone involved, and a few people he would like to mention. Councilman DeRosa has been involved from the beginning and donated many hours, Wendel Weber, the Town Board, Stew Grant but the one who deserves a lot of credit here is Supervisor Dave Kelly. Regarding the sewer extension, this would be an asset to the Town and if it could be at no cost to the Town, it would be a giant leap. He thanked the Board for their time and due diligence. Regarding the Whaley Lake Dam, again he thanked Supervisor Kelly for being involved and being able to secure some of the funds to restore the damage caused in the spillway by the storm Irene. He thanked John Daley, Highway Superintendent for taking the Highway Department from a deficit into a plus.

Stephen Sollazzo said he agreed with Mr. DeMarco on his comments on the sewer extension. He would like to thank the Supervisor and Town Board as this is a step in the right direction. The Town needs economic development. Hopefully this goes through as it will be a big plus for the community as a whole.

Mr. Arthur Mulford said last May, he came here with a number of residents from Shorehaven and they were very worried and concerned, angry and frustrated over the whole process that took place. Phil DeRosa was working on this for many years and he went to many meetings through the past year but he felt that everything congealed at that meeting in May. Although the December 15<sup>th</sup> deadline wasn't reached as promised, no one thought the February 1st deadline would have been made. He was thankful and appreciated what Phil DeRosa and Supervisor Kelly have done. He said this baby has only taken its first step and there is a lot more work to do. This is very encouraging and it demonstrates clearly that residents need the Town Board and they came through for them.

Supervisor Kelly said Wendel Weber was very active in this also. This is an infant step and he wants to make sure they get the generator hooked up and that they look at putting the distribution system in place.

Greg Lane from Elm Street Partners thanked the Board for passing the motion to send the letter to Albany on behalf of Town residents, Castagna and Elm Street Partners. A lot of work went into that and he wanted to thank the Supervisor who spent the last eighteen month or more spearheading this effort in coordination with the Sewer Commission and the Village as well. It would be remiss to not mention Castagna who spearheaded this effort and they deserve a lot credit. They have spent a lot of time investing not only their time and resources but really persevering and trying to capture some of this revenue. He said benefits of this would be protection of the Great Swamp and general environmental benefits, economic benefits and tax revenues, create temporary jobs and permanent jobs. Tax revenue would include property and sales tax. This would also unlock the potential for the rest of the Route 22 corridor.

Wendel Weber thanked everyone for their work on the Shorehaven Water issue. Their meeting is Saturday, February 18, 2012 at 4:30 PM and he invited the Board to attend.

There were no further comments.

The motion to adjourn was made at 8:30 by Councilman Johnson, seconded by Supervisor Kelly, motion passed unanimously.

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Town Clerk