

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM February 8, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Montemarano, DeRosa and approximately 12 interested citizens.

PUBLIC  
COMMENT ON  
AGENDA ITEMS

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

MINUTES

The motion to approve the minutes of December 7, 2011, December 14, 2011 and December 27, 2011 was made by Councilman Johnson, seconded by Councilman Upham and passed with the following roll call vote, with Councilman DeRosa abstaining because he was not on the Board yet in December:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “ABSTAINED”

Supervisor Kelly – “AYE”

The motion to approve the minutes of January 4, 2012 and January 11, 2012 was made by Councilman Johnson, seconded by Supervisor Kelly and passed with the following roll call vote, with Councilman DeRosa abstaining as he was at Association of Town’s training on January 11, 2012:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “ABSTAINED”

Supervisor Kelly – “AYE”

CONSENT  
AGENDA

Supervisor Kelly moved to the consent agenda.

**Resolution 2012043  
Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of January 2012 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 20120032 through 20120153, now therefore, be it

Resolved, that the Vouchers numbered 20120032 through 20120034 are VOIDED, and, be it further

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 \$356,830.80.

**Resolution 2012044  
Billing for Pawling Water District #1**

Whereas, Pawling Water District #1 Bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$2,304.48 for the period of November 2011 through January 2012 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the Billing as recommendation for Pawling Water District #1.

**Resolution 2012047  
Correction 2012 Holiday Schedule**

CONSENT  
AGENDA  
CONTINUED

Whereas, the Town Board sets a Holiday Schedule for each calendar year, and

Whereas, a correction to certain dates within the 2012 schedule is needed, now, therefore, be it

Resolved, that the dates of Friday, April 6, 2012 (Good Friday) and Monday, November 12, 2012 (Veteran’s Day) are hereby corrected.

**Resolution 2012050  
Release - Planning Board Restoration Bond**

Whereas, on December 5, 2011 the Town of Pawling Planning Board took action on matters of the Papaleo Property on Route 22, and

Whereas, the Planning Board recommends to the Town Board to accept the release of the Performance Bond in the amount of \$35,000.00, and acknowledges the acceptance of Town Engineer’s inspection memorandum dated November 18, 2011.

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of the Pawling Planning Board on matters pertaining to the Orlando Papaleo property and releases the Performances Bond in the amount of \$35,000 and authorizes the Bookkeeper to refund the said amount to Mr. Orlando Papaleo.

MOTION: Councilman Johnson  
SECOND: Councilman Upham

ROLL CALL VOTE:

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

Supervisor Kelly moved to the non-consent agenda.

NON-CONSENT  
AGENDA

**Resolution 2012045  
Waiver - Expired Building Permit Fee**

Whereas, the Town Board received a request to waive the renewal fees on a Building Permit in a letter dated January 24, 2012, and

Whereas, the resident has expressed their concerns to both the Code Enforcement Officer and the Town Board for a waiver on said fees, and

Whereas, the Town Board has received written comments from the Code Enforcement Officer on said property, now, therefore, be it

Resolved, that the Town Board hereby authorizes / denies the request for a waiver on the renewal of fees on a Building Permit as requested.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

Councilman DeRosa said he met with Building Inspector Tom Corrao to discuss this matter. Mr. Corrao said he sent a letter to the Town Board which the Board has already seen on this matter. He did not know what the procedures have been in the past but Mr. Corrao’s recommendation was not to waive the fee.

Supervisor Kelly said in the past, the Board has taken the recommendation of the Code Enforcement Officer.

Supervisor Kelly asked if all were in favor of a denial for this request for waiver and the roll call vote was as follows:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

NON-CONSENT  
AGENDA  
CONTINUED

Supervisor Kelly – “AYE”

**Resolution 2012051**  
**Correction; Resolution 2012049 - Part Time TYPIST**

Whereas, the Highway Superintendent has requested to establish and fill within the 5010.100 A Budget line to replace the recent reassignment of the Competitive Full Time Typist, and

Whereas, the Town Supervisor’s office, after discussion with the Dutchess County Human Resources Department has determined that the job title that covers the listed requirements will likely be classified as PART – TIME TYPIST, now, therefore, be it

Resolved, that in the best interest of the Town of Pawling that the position of Part Time TYPIST in the Non – Competitive Class be establish 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 website at [www.pawling.org](http://www.pawling.org), Town Clerk’s Notice Board and with Dutchess County Human Resources Department.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

Supervisor Kelly said Dutchess County Human Resources Department recommended this be changed to a “Non-Competitive Class” position.

Councilman Upham asked how long this would be posted.

Supervisor Kelly said it would be posted a week.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012052**  
**Appointment- Emergency Interim Successors**

Whereas, the Town of Pawling has been notified by the Dutchess County Emergency Response Department that Emergency Interim Successor(s) are needed to be appointed, and

Whereas, in the event the Town Supervisor is unable to be contacted / located in the event of an emergency, the protocol for contact is the Emergency Interim Successor designation, and

Whereas, past practice, the Town has appointed the Deputy Supervisor and one additional Council member as the Emergency Interim Successors, now, therefore, be it

Resolved, that the Town Board hereby appoints William Johnson (Deputy Supervisor / Councilman) and Mike Montemarano (Councilman) as Emergency Interim Successors for the Town of Pawling.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

**NON-CONSENT  
AGENDA  
CONTINUED**

**SUPERVISOR  
AUTHORIZED  
TO HIRE  
ASSISTANT TO  
THE ASSESSOR**

Supervisor Kelly said he noticed the position of Assistant to the Assessor also. This position will go from an exempt to a non-competitive class also.

Supervisor Kelly made a motion for the Board to authorize the Supervisor, after a period that the position has been noticed and an interview process is done, that he is allowed to hire and fill the position, seconded by Councilman Johnson, motion passed unanimously.

**NEW PHONE  
SYSTEM**

Supervisor Kelly said the Board has a packet in front of them from Superior Phone Systems. This is a matter that has been discussed prior to 2010 when he came on as Supervisor. He has been working on this for the past two years. The new system is a Voice over Internet system and would change the current grossly outdated phone system. The plan is to start out with Town Hall and then move on to Recreation, Highway and other locations. This proposal is only for the Town Hall and Town Hall Annex buildings. There would be room for expansion with this system. This would save the Town approximately \$1,200.00 per month. There is \$50,000.00 left from the B.A.N. the Town borrowed last year but he waited because the cost for this system was coming down. The cost is \$15,932.58 for the system and \$8,549.06 for the wiring of the buildings.

The motion to authorize the Supervisor to proceed with the Superior Telephone Town Hall and Annex building proposals for the phone system was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**TRAILS  
PROGRAM  
VOLUNTEERS**

Councilman Montemarano said he is working on finalizing the volunteer applications for insurance purposes for the trails program. He suggested the Board approve the use of the final application subject to the approval of the Town Attorney, Town risk managers and Councilman Upham.

The motion for the Board to approve the use of the final volunteer insurance application subject to the approval of the Town Attorney, Town risk managers and Councilman Upham was made by Councilman Montemarano, seconded by Supervisor Kelly, motion passed unanimously.

**CLOSING OUT  
OLD BUILDING  
PERMITS**

Councilman DeRosa said he is working with the Building Department on old building permits that were never followed up on with Certificates of Occupancies. They are looking at building permits ten years back and there are approximately 400 building permits without C/O's. They are trying to decide how to move forward with closing out these building permits and he hoped to have something for the Board by the next meeting. He felt the Board should start moving on filling his position on the Planning Board and also filling the Chair position.

**SHARED  
SERVICES  
GRANT  
PROPOSAL –  
PAWLING/AMEN  
IA/DOVER**

Cathy Giordano, Town Clerk said the Town has an opportunity to be involved in a share services grant with the Towns of Dover and Amenia. The grant will require an Intermunicipal Agreement between the Towns. The deadline is March 1<sup>st</sup> so the IMA would have to be signed before then if there is agreement on moving forward with this proposal. The grant would be for records retention from the New York State Archives. The grant would involve the Town of Pawling's Laserfiche program and staff, and also digitizing records and staffing for the other Towns. The goal would be to get documents scanned and put scanned documents on all three Town's websites for residents to access.

Supervisor Kelly said last evening, he was at a Mayors & Supervisors Association meeting and he spoke with the Supervisors from Dover and Amenia and they both had concerns but were positive in moving forward with the shared services agreement.

The motion to approve the Supervisor signing the Intermunicipal Agreement subject to the Supervisor's review and approval of the grant proposal was made by Councilman Johnson, seconded by Supervisor Kelly.

Councilman Upham asked that the agreement cover confidentiality.

The motion passed unanimously.

Supervisor Kelly opened the meeting for public comment.

Lynn Dolan said she has seen in the newspaper and on the radio that the Shorehaven Water District water has had the “Do Not Drink” order lifted and residents can now drink the water. She received yesterday a letter from the Health Department saying that residents can now drink the water but the letter also listed the same precautions that were in effect when the “Do Not Drink” order was in effect. She did not understand why the residents could now drink the water if all of the same conditions exist.

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**PUBLIC  
COMMENT**

Supervisor Kelly said last night he spent time with Mrs. Barclay, Executive Director of the Dutchess County Water Wastewater Authority and he said Ms. Dolan was correct in that the letter has two different statements in it. The State Health Department requires that there be four testing periods and while that is ongoing they still put out the advisory. The Dutchess County Health Department authorized the removal of the “Do Not Drink” order because it meets the criteria for the water. The Dutchess County Health Department and Dutchess County Water Wastewater Authority are saying the water meets the criteria under a certain period of testing. He said he would call the Dutchess County Water Wastewater Authority and have them get together with the residents and Town representatives to discuss this.

Councilman DeRosa said the testing encompasses four tests and the results are based on a rolling average of the testing for a time period of one quarter of the year. The water passed the last two tests. He attended the meeting last month with the Dutchess County Water Wastewater Authority and will attend the meeting this Wednesday and he will let them know about the concern about the conflicting message in the letter. DCWWA is still working on other solutions.

Ms. Dolan said another issue she wanted to discuss was Joe Battle’s house Mr. Battle passed away a few years ago. She presented photographs of the property, expressing concern that it is vacant, there is debris all around the house, there is black mold and it could be a fire hazard.

Supervisor Kelly asked Councilman DeRosa to contact Tom Corrao, Code Enforcement Officer and check into this and see what the Town can do about it.

Stewart Grant reinforced what Ms. Dolan said about the letter on the water. The information in the letter was conflicting. He expressed concern about the quality of the water and the conflicting information residents are getting from the Dutchess County Water Wastewater Authority. The County has had the bond money for over two years now and they have not used the money to fix the problems. He felt someone from the Town should spearhead this for the residents. They need help.

There were no further comments from the audience.

Supervisor Kelly made a motion to enter into Executive Session at 7:35 PM to discuss potential litigation, seconded by Councilman Johnson, motion passed unanimously.

**EXECUTIVE  
SESSION**

Supervisor Kelly said he wanted to adjourn the meeting when the Board returns from Executive Session in memory of Bob Davis.

**ADJOURNMENT IN  
MEMORY OF BOB  
DAVIS**

Supervisor Kelly made a motion to adjourn the meeting in memory of Bob Davis. Bob Davis was 57 years old and has been a resident of Pawling since 1982. He passed away on January 22, 2012 unexpectedly. Bob was a member of the Pawling Fire Department and Pawling Chamber of Commerce. His fellow Fire Department members are quoted as saying, “Bob has been an active and valuable member of the Pawling Fire Department over the past several years, during which time he served tirelessly as a member of the Fire Police Company and was recently elected to the position of Lieutenant.” Bob chaired the Committee to have the Fire Department’s Annual Carnival and County Convention at Lakeside Park in 2010, which was a successful endeavor. Glenn Carey was quoted as saying, “It was a pleasure to work with someone who is organized and cared about his community.” Supervisor Kelly said we lost him very unexpectedly and he had the pleasure to have dinner with him the night before he passed.

The motion to enter into the regular order of business at 8:05 PM was made by Supervisor Kelly, seconded by Councilman Upham, motion passed unanimously.

The motion to accept the adjournment offered earlier was made by Supervisor Kelly at 8:10 PM, seconded by Councilman Johnson, motion passed unanimously.