

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM March 14, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Montemarano, DeRosa 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**

Supervisor Kelly moved to the consent agenda.

**CONSENT
AGENDA**

Resolution 2012052
Consultant – Town of Pawling Website Redesign
PULLED

Whereas, the Town of Pawling operates an official Town of Pawling web site located at www.pawling.org hosted through the services of Virtual Town Halls, and

Whereas, the web site is in need of updating to offer the users additional benefits by the services supported by the adoption of the annual operating budget, and

Whereas, additionally, New York State has placed requirements on the Towns throughout New York to post certain information on their web site, and

Whereas, the Town of Pawling web site must have additional pages /sections added to the site, now, therefore, be it

Resolved, that the Town Board hereby authorize the Supervisor to enter into a contact of services as attached to this resolution with _____ to redesign, add additional pages /sections and incorporate E-Commerce practices to the town Web Site, and, be it, further

Resolved, that the cost for such improvements will be charged to the B Budget Contingency Line of the 2012 operating budget.

Resolution 2012055
Appointment of Seasonal Laborer

Whereas, the Town of Pawling is committed to maintenance and improvements to its physical plant, and

Whereas, the Town of Pawling desires to employ individuals be involved in the day to day labor to complete such tasks, and

Whereas, the Building and Grounds Department has employed Madeline Vitek from 1/1/12 to 3/31/12, and

Whereas, the Supervisor of Building and Grounds has made such recommendation, now, therefore, be it

Resolved, that the Town Board hereby appoints Madeline Vitek to the position of Seasonal Laborer for a period of 4/1/12 to 9/29/12.

Resolution 2012056
Appointment of Cleaner – Part Time
PULLED

Whereas, the Town of Pawling is committed to maintenance and improvements to its physical plant, and

Whereas, the Town of Pawling desires to employ individuals to be involved in the day to day cleaning to complete such tasks, and

Whereas, the Supervisor of Building and Grounds has made such recommendation, now, therefore, be it

Resolved, that the Town Board hereby appoints Brinton Moore to the position of Cleaner for a period of 3/1/12 to 12/31/12.

Whereas, the Town of Pawling is committed to maintenance and improvements to its physical plant, and

Whereas, the Town of Pawling desires to employ individuals to be involved in the day to day cleaning to complete such tasks, and

Whereas, the Supervisor of Building and Grounds has made such recommendation, now, therefore, be it

Resolved, that the Town Board hereby appoints Brinton Moore to the position of Cleaner for a period of 3/1/12 to 12/31/12.

Resolution 2012058
Update – Town of Pawling Employee Handbook

Whereas, the Town of Pawling has an Official Handbook for its employees, and

Whereas, last adopted version of the Handbook was adopted on May 8, 2001, and

Whereas, this Handbook is distributed to each employee of the Town upon the date of hire, and

Whereas, the Handbook is in need of updating due to new regulations and policies that the town has adopted since May of 2001, now, therefore, be it

Resolved, that the Town Board hereby authorizes the Supervisor to enter into negotiations with PublicSectorHR Consultant LLC for the sole purpose of updating the Town of Pawling Employee Handbook for circulation to the employees and future employees of the town.

Resolution 2012059
Appointment – Coordinator, “Music By The Lake”

Whereas, the Recreation Department operates “Music By The Lake” as a way to provide Pawling residents with variety of musical events throughout the year, and

Whereas, the Director of Recreation has indicated that after many years of service to the Town of Pawling that Mr. Allan Kubik has resigned as Volunteer Coordinator, and

Whereas, resident Ed Beauchamp has offered to volunteer as Volunteer Coordinator of “Music By The Lake” at no cost to the Town of Pawling, now, therefore, be it

Resolved, that Mr. Ed Beauchamp is hereby appointed Volunteer Coordinator of “Music By The Lake”, and will report directly to the Director of Recreation for said program.

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.

Resolution 2012051
Payment of Bills for the Town of Pawling

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of February 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 _____ to _____, now therefore, be it

Resolved that the Pawling Town Board hereby accepts the vouchers as prepared on the recommendation of the Bookkeeper, and, be it, further

Resolved, that the Town Board hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of _____.

MOTION: Supervisor Kelly
SECOND: Councilman Upham

Supervisor Kelly introduced an amendment in the “Whereas” adding the numbers 20120154 through 20120311 and in the “Resolved” adding the amount \$1,326,116.03, seconded by Councilman Johnson, motion passed unanimously.

ROLL CALL VOTE ON THE RESOLUTION:

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

The motion to enter Executive Session to discuss an individual personnel matter was made by Councilman DeRosa at 7:08 PM, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to regular session was made by Councilman Johnson at 7:20 PM, seconded by Councilman Upham, motion passed unanimously.

**Resolution 2012053
Appointment Planning Board Member**

Whereas, a vacant seat exist on the Town of Pawling Planning Board due to a resignation, and

Whereas, on Wednesday, March 14, 2012 a committee will meet to interview prospective candidates to serve on the Planning Board, now, therefore, be it

Resolved, based on the recommendation of the committee, the Town Board hereby appoints Stephen Sollazzo to fill the unexpired term on the Town of Pawling Planning Board from this date through December 31, 2013.

MOTION: Councilman DeRosa
SECOND: Councilman Upham

ROLL CALL VOTE:

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

**Resolution 2012054
Appointment Planning Board Chair**

Whereas, the Town of Pawling is currently operating without a designated Chairman, now, therefore, be it

Resolved, that _____ is hereby appointed Chair of the Town of Pawling Planning Board for the remainder of a one-year term to end on December 31, 2012.

MOTION: Councilman DeRosa
SECOND: Councilman Johnson

Councilman DeRosa said he would like to nominate Kent Johnson to serve as Planning Board Chairman for the remainder of the year, seconded by Councilman Johnson and passed with the following roll call vote:

Councilman Johnson – “AYE” Councilman Upham – “NAY”

Councilman Montemarano – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “NAY”

Resolution 2012057
Stipulation of Settlement

Whereas, a tentative settlement has been agreed to between the Town of Pawling, Assessor for the Town of Pawling and Legal Council for the Town Board with respect to Elite Home Builders Corp. / Hudson Valley for tax years 2009, 2010 and 2011, 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 Elite Home Builders Corp. / Hudson Valley for tax years 2009, 2010 and 2011 on Parcel 6956-00-700186-0000 for Index numbers 05897 /09, 05221/10, 04529/11 , and be it further

Resolved, that the assessments on said parcel included be reduced in value within the recommendations and agreed upon amounts by Elite Home Builders Corp. / Hudson Valley and the Town of Pawling Assessor and Legal Council.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman Upham – “AYE”

Councilman Montemarano – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Resolution 2012060
Stipulation of Settlement

Whereas, a tentative settlement has been agreed to between the Town of Pawling, Assessor for the Town of Pawling and Legal Council for the Town Board with respect to Cogi / Quaker Hill XXLLC, 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 Cogi / Quaker Hill XXLLC for the two parcels involved as follows:

7157-00-518060 and 7157-00-652243 the index numbers are the same for both parcels and are:

Year 2006 Index 3934/06, Year 2007 Index 4908/07, Year 2008 Index 5838/08, Year 2009 No Index, Year 2010 Index 5693/2010, Year 2011 Index 4956/2011, and be it further

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

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

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NON-CONSENT
AGENDA
CONTINUED

**RESOLUTION 2012061
TOWN OF PAWLING**

**REGARDING EXTENSION OF PREPARATION TIME FOR SEQRA FINAL
GENERIC ENVIRONMENTAL IMPACT STATEMENT (FGEIS);
ADDITIONAL COMBINED PUBLIC HEARINGS FOR AND CIRCULATION
OF:
THE REVISED COMPREHENSIVE PLAN UPDATE (CPU); AND REVISED
ZONING AMENDMENTS**

SETTING PUBLIC
HEARINGS FOR
REVISED CPU –
PRESENTATION
BY MORRIS
ASSOCIATES

Date: March 14, 2012

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 supplementary 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, the Town Board has followed the necessary procedures in the planning, zoning and environmental review, in accordance with the Town Law of the State of New York, the Town’s local laws and pursuant to 6 NYCRR Part 617, New York State Environmental Quality Review Act (SEQRA) regulations. The extended review process since July 2011 included the following steps:

- Discussion of the Draft CPU and proposed zoning amendments at a Town Board meeting on July 13, 2011; initiation of SEQRA review including a Positive Declaration (a Determination of Non-Significance); and official referral to the Town of Pawling Planning Board and the Dutchess County Planning Department.
- The first of three public hearings on the CPU was held on July 27, 2011.
- On August 10, 2011, the Town Board Determined the DGEIS to be complete and adequate for public review.
- A combined public hearing on: the CPU; the proposed zoning amendments; and the DGEIS was held on September 7, 2011.
- On September 7th, the public and agency comment period was extended to October 28, 2011.
- A second combined public hearing on the CPU, proposed zoning and DGEIS was held within the extended comment period on October 12th.
- The Board extended the report and recommendation timeframe for Town Planning Board and Dutchess County Planning Department (DCPD) referrals on the CPU and zoning to October 28th.

- In addition to the public hearings, an informal question and answer session was held at the Pawling Town Hall on September 28, 2011 to give the public an opportunity to better understand the CPU, proposed zoning and DGEIS.
- The CPU and proposed zoning were discussed at several Planning Board meetings including August 15 and August 29, 2011; and

WHEREAS, the Town pursued an extended review from July through October 28, 2011, which provided nearly 50 individual comment letters, emails and petitions and the minutes and/or transcripts of 3 hearings; and

WHEREAS, the CPU and zoning amendment documents were revised extensively to respond to the commentary received, which have been provided for review as the Revised CPU and Revised Zoning; and

WHEREAS, a Final Generic Environmental Impact Statement (Final GEIS or FGEIS) is being prepared for the Town Board's continuation of its SEQR review of the CPU and proposed zoning;

NOW THEREFORE BE IT FURTHER RESOLVED, that the Town Board of the Town of Pawling hereby extends the date by which a Final GEIS must be prepared and filed to April 11, 2012; and

BE IT FURTHER RESOLVED, that the Town Board will hold a third combined public hearing on: the CPU; and the proposed zoning amendments; on Wednesday, April 11, 2012 at 7:00 p.m. at the Pawling Town Hall to hear comments from the public and all interested agencies; and

BE IT FURTHER RESOLVED, that the Town Board will hold a fourth combined public hearing on: the CPU; and the proposed zoning amendments; on Wednesday, May 9, 2012 at 7:00 p.m. at the Pawling Town Hall to hear additional comments from the public and all interested agencies; and

BE IT FURTHER RESOLVED, that notice of the April 11th public hearing: shall be published in a newspaper of general circulation in the town for two (2) consecutive weeks before the hearing (on March 28 and April 4, 2012); the first publication being 14 days in advance of the public hearing; and will be duly posted at town hall; and

BE IT FURTHER RESOLVED, that notice of the May 9th public hearing: shall be published in a newspaper of general circulation in the town once two (2) weeks before the May 9th hearing (on April 25, 2012); and will be duly posted at town hall; and

BE IT FURTHER RESOLVED, that a copies of the hearing notices; and a copies of the Revised CPU and Revised Zoning will be circulated to the interested agencies to inform them of the continuation of the Town's ongoing planning and zoning review; and

BE IT FURTHER RESOLVED, that printed copies of the Revised CPU and Revised Zoning will be available at town hall and the library; and electronic versions of the Revised CPU and Revised Zoning will be available on the town's website.

MOTION: Supervisor Kelly **SECOND:** Councilman Montemarano

Supervisor Kelly said he would like to entertain a presentation by Liz Axelson and Pete Setaro of Morris Associates regarding the revised Comprehensive Plan Update.

Liz Axelson explained that there was a healthy public review of the CPU and there were many comments before the end of the comment period on October 28, 2011. She has gone through every letter and comment in the minutes and transcripts. The comments have now been addressed in the CPU and there are two versions she has sent to the Board. One version has the changes highlighted and the other does not. She said the CPU is going in the same direction as before with a lot more clarification now. She explained that resolution 61 sets the final process, including two public hearings, one on April 11, 2012 and May 9, 2012. There are no requirements to hold any more public hearings on the CPU but recommended the Board hold them anyway. There is no hearing on the FGEIS, only on the CPU and Zoning. She

looked forward to having conversations with the Board next week on the revised CPU.

Councilman Upham said the last public hearing would be on May 9th. He asked when the public would get to see the documents.

Supervisor Kelly said if the Board allows the release of the documents tonight, they will be put on the Town's website tomorrow.

Councilman DeRosa asked Ms. Axelson if she could do a tabulation of the questions and comments and coordinate them according to the concerns. He also asked about the setbacks around Whaley Lake as he thought they would be changed from 25 feet to 10 feet and they are not in the revised CPU.

Ms. Axelson said if the Board wanted her to work something up on this, she would do that. She said that these issues would be addressed in the FGEIS. She said she would send certain information to the Board from the FGEIS which she thought would be what Councilman DeRosa was looking for.

Supervisor Kelly said in April, the Town Board meetings are supposed to be held at the Holmes Whaley Lake Civic Association building but due to the fact that there would be a public hearing on the CPU, he would like to move the meeting back to town hall.

ROLL CALL VOTE ON THE RESOLUTION:

Councilman Johnson - AYE Councilman Upham - AYE

Councilman DeRosa - AYE Councilman Montemarano - AYE

Supervisor Kelly – AYE

Councilman Johnson said regarding the Dutcher Golf Course, the Supervisor received a request for a partial, pro rated refund for a membership from last year because the course closed early. The storm was Halloween weekend and although they try to keep the course open into November as late as they can and if a refund were calculated, it would be less than \$20.00 and would set a bad precedent. He recommended the refund not be issued.

**DUTCHER GOLF
COURSE REFUND/
OPENING EARLY**

The motion to disallow a refund based on loss of use due to weather at the Dutcher Golf Course was made by Councilman Johnson, seconded by Supervisor Kelly, the motion passed unanimously.

Councilman Johnson said the Golf Course is in need of a new sprayer and three bids have been obtained for the sprayer. The low bid is from ET Equipment Company for \$8,600.00, it is an M3016P Broyhill Sprayer and assorted attachments and he made a motion for them to place that order, seconded by Supervisor Kelly, motion passed unanimously.

**GOLF COURSE
SPRAYER**

Councilman Johnson said the Golf Course would be opening next week.

Councilman Johnson said regarding the facilities use policy non-resident fee schedule, this has become a very complicated and unreasonable policy the Board enacted.

**FACILITY USE NON-
RESIDENT FEE
POLICY
SUSPENSION**

Following discussion, Councilman Johnson made a motion to rescind the policy of non-resident charges for programs pending further investigation, seconded by Supervisor Kelly.

Supervisor Kelly asked that the policy be suspended as there are some adult policies this applies to directly.

Councilman Johnson introduced a motion to amend the motion to say "suspend the policy", seconded by Supervisor Kelly, motion passed unanimously.

The motion to suspend the policy passed unanimously.

Councilman Montemarano said due to the economy and as discussed last week and previously, the Board is embarking on a pilot program to identify skilled craftsmen and employees for capital projects and major repairs of Town facilities.

**NEW POSITION OF
MAINTENANCE
MECHANIC**

**Resolution 2012062
Maintenance Mechanic**

NEW POSITION OF
MAINTENANCNE
MECHANIC
CONTINUED

Whereas, The Town of Pawling recognizes the need to employ Maintenance Mechanics on a temporary basis, and

Whereas the position of Maintenance Mechanic will be agreed upon and approved by the Dutchess County Department of Human Resources, and

Whereas the Town Board authorizes the Supervisor to make public notice for such position(s), and

Whereas the Town Board authorizes the Town Supervisor to evaluate responses received pursuant to notice and hire such individual upon approval of qualifications by Dutchess County Department of Human Resources, therefore, be it

Resolved that the Town Board authorizes the Town Supervisor to take action on this resolution immediately.

MOTION: Councilman Montemarano

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson - AYE Councilman Upham - AYE

Councilman DeRosa - AYE Councilman Montemarano - AYE

Supervisor Kelly – AYE

Supervisor Kelly added the following Resolution to be presented at a later date.

To be presented at a later date

ALAN KUBIK
COMMENDATION
RESOLUTION

**Resolution 2012063
Alan Kubik - Commendation**

Whereas Alan Kubik has been a lifetime resident of the Town of Pawling, and

Whereas prior to the Summer of 2006 there were a limited number of cultural events for the community to enjoy, and

Whereas Alan Kubik volunteered to help the Town of Pawling develop the Music By The Lake concert series in 2006, and

Whereas the Pawling Town Board whole-heartedly supported the efforts of Alan Kubik to develop the successful program, and

Whereas through the tireless efforts of Alan Kubik, Music By The Lake hosted more than twenty-five concerts for the enjoyment of all in attendance, and

Whereas Alan Kubik informed Supervisor Kelly that he would be unable to continue administering the Music By The Lake concert series in 2012, and

Whereas the Pawling Town Board regretfully accepted the resignation of Alan Kubik, now, therefore, be it

Resolved that the Pawling Town Board, on behalf the entire Town of Pawling does hereby thank Alan Kubik for his generous donation of time in the advancement of the Music By The Lake concert series.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson - AYE Councilman Upham - AYE

Councilman DeRosa - AYE Councilman Montemarano - AYE

Supervisor Kelly – AYE

Councilman Upham said he is working on the Town's insurance renewal for the next fiscal year and he will obtain three bids, as he did last time. He hoped he would be ready for the Board to make a decision on this in May.

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**TOWN'S
INSURANCE**

Councilman DeRosa thanked Vinny DeMarco for his help with the Whaley Lake Dam meeting. There were representatives from NYS DEC, FEMA, Army Corp of Engineers, Councilman DeRosa and Supervisor Kelly, and Whaley Lake Dam Committee and the Town's engineer from Fuss and O'Neill.

**WHALEY LAKE
DAM MEETING**

Supervisor Kelly said there were thirteen representatives of the agencies at the meeting. It was a very good meeting. He thanked Vinny DeMarco and Brenda Colberg for the use of their boat and house for the meeting.

Councilman DeRosa said Kelly O'Rourke did an excellent job having all of the information ready.

Supervisor Kelly said he will send a letter to NYSEG thanking them for reinstalling a new pole and netting on Saturday.

Supervisor Kelly opened the meeting for public comment.

**PUBLIC
COMMENT**

Vinny DeMarco said regarding the Whaley Lake Dam meeting, he wanted to thank Mr. DeRosa and Supervisor Kelly for taking the lead and making the meeting happen. He was happy to have the representation from the agencies at that meeting. He congratulated Mr. Sollazzo on his appointment, saying now there are no excuses and he will really have to go to work. He knew that the appointment was not an easy one but he felt Mr. Sollazzo wouldn't let anyone down. He also congratulated Kent Johnson for his appointment as Chairman of the Planning Board.

There were no further comments.

Supervisor Kelly made a motion to adjourn the meeting at 7:55 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk