

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM May 2, 2012 at the Holmes Whaley Lake Civic Association Building, 245 Route 292, Holmes, New York. Present were Councilmen Johnson, Upham, Montemarano, DeRosa and approximately 18 interested citizens.

The Board entertained a presentation by James Haggett, Chairman of the Appalachian Trail Management Committee. He presented a hand out to the Board and explained that approximately four years ago, he presented this project to the Board, which was a proposal for a boardwalk through the Great Swamp. Since that time, they have received approval from the Appalachian Trail Conservancy, National Park Service, NYS DEC and they have been through the NEPA environmental review process. This project is located in the northern part of Town next to Native Landscaping on Route 22. The problem with the Appalachian Trail in this area is that this area flooded due to the Hiller Brook, which has been a problem going back to the 1990's. They were given the approval and funds to go forward with building a boardwalk that is supported by piers. Construction started in October of 2009, kicked off by a \$2,000.00 grant by LL Bean Corporation and after that money was used up, the National Park Service funded the remaining part of the project. They have spent at least \$250,000.00 on this project and there have been over 5,000 hours of volunteer time. There have been contributions from at least 75 people. Ten days ago, the decking for the boardwalk was completed and it is open for people who want to use it. The boardwalk is 1,600 feet long and they also built a new bridge approximately 40 feet long which runs over the Swamp River. There are a few things left to do but people can use it now. He thanked Metro North for putting in a pedestrian friendly crossing over the railroad tracks. He mentioned that a handicapped person would be able to use the boardwalk, although it is not handicapped accessible. This is a great asset to the Town, its citizens and the local community. He said there would be a grand opening celebration on Sunday, July 1, 2012 at 1:00 PM and he invited the Board and community to this celebration.

APPALACHIAN TRAIL BOARDWALK PRESENTATION

Supervisor Kelly thanked Mr. Haggett for his dedication to this project. It has given Pawling a destination on the Appalachian Trail.

The Board entertained a presentation of the MS4 Annual Report by JoAnne Daley, MS4 Coordinator. Ms. Daley presented copies of the report to the Board. She stated that each department continues with their inspections and required work. The main item the Town needs to do this year is the mapping for the conveyance system for the East of Hudson. A NYS DEC grant was obtained to do all of the mapping and there will be no financial cost to the Town. All work will be done by "In Kind" services. There will be a rain barrel presentation on June 5, 2012 at Lakeside Park.

MS4 ANNUAL REPORT PRESENTATION

Supervisor Kelly said Ms. Daley likes to get this report out ahead of time, as it is not required until June 1, 2012. This was a job well done.

Supervisor Kelly moved to the resolutions.

The Board discussed the proposed resolutions. Following discussion, it was agreed that resolutions 2012075, 2012076, 2012077 and 2012078, would be placed on the May 9, 2012 agenda.

PROPOSED RESOLUTIONS

The motion to move Resolution 2012079, which is below, was made by Supervisor Kelly, seconded by Councilman Johnson.

DETERMINATION OF COMPLETION AND FILING OF THE FGEIS AND EXTENSION OF PERIOD OF CONSIDERATION PRIOR TO FINDINGS

Discussion on the motion was as follows:

Liz Axelson, Town's consultant from Morris Associates, pointed out that the ten day period that is required is a period of consideration. The FGEIS is out there for consideration. If people do have comments on the final generic EIS, the Board would consider those in a number of different ways. They are not going to revise the FGEIS, they would revise the CPU or zoning if appropriate or address comments in the Findings Statement.

Councilman DeRosa said the Board has some of the zoning changes now. If after May 23rd, the Board is looking at other zoning changes and they affect the FGEIS, then the FGEIS would have to be adapted to those changes if they are significant.

Ms. Axelson said yes, if they are significant. If the Board at this point comes up with some major new zoning thing, they would have to go back and consider that in detail but the zoning the Board has now is refined from the previous version earlier in this process. She knew there was discussion about Whaley Lake lots and other

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CONTINUED

undersized lots. She felt that as long as the Board doesn't change lot coverage, they aren't really allowing people more development on those lots so she did not see any need to change the course of the environmental review for something like that.

Councilman DeRosa felt that minor changes would not affect the FGEIS.

Ms. Axelson said the idea is that the proposed zoning amendments that are an appendix in the CPU, those are the things that the Board is planning to readily adopt at the end of this review process. Then there are other items that the Town will make a priority to study and continue to work on. She felt the only exception to that was the Board had directed her at an earlier meeting to look at the language for undersized lots. For that, she would recommend something that would allow flexibility with lot bulk but not increase in coverage on lots.

Councilman DeRosa said a lot of people haven't looked at the proposed zoning because they are studying the CPU because the zoning changes usually come after the CPU.

Ms. Axelson said it is not uncommon to adopt certain zoning changes and have the CPU say there are other things that will be implemented over the next 15 or 20 years.

Councilman DeRosa said there could be changes that the Board may want to make that weren't addressed in the documents and he is not looking to do those ten years down the road, he is looking to do those when the zoning changes are done.

Councilman Johnson said the Board has been doing this for a long, long time. The Board can't keep rehashing the same things. The Board needs to adopt the CPU, and that now creates the direction they expect zoning changes to go in. Going forward, if there are other changes or other recommendations to zoning, the Board can change it with the CPU in mind but this process needs to be brought to completion and finalized.

Councilman DeRosa agreed.

Councilman Johnson said the Board now has a set time line that this thing needs to be completed in and it needs to move on. He will not authorize any more money than has been spent. The Board has a document that is workable and it is good and it needs to be adopted. If there is minor tweaking that needs to be done, it can be done after the CPU is adopted.

Supervisor Kelly said that is part of the concept of being a living document. There are things in there that are supposed to be studied in 2012, 2013, 2014 and 2015. If there are other suggestions that come along, the Board would make those a priority for the next year.

Councilman Johnson said to think that there will be a document that is 100% perfect is foolish. There will have to be recommendations and changes but this onerous task needs to end and the Board needs to stop spending money on it and go forward.

Councilman Montemarano said that being said, the Board has just been handed a 750 page document. Is it common to be adopting an FGEIS in advance of close of the comment period?

Ms. Axelson said the Board is at the end of this process. The plan was to create a new Comprehensive Plan Update and a set of zoning amendments, that was a priority. Once those were set out there, the environmental review had to be done. She explained the environmental review process, along with public comment periods, saying a lot of revisions were made based upon the great body of commentary. The Board now has a CPU and set of zoning that responds substantially to the commentary. The environmental review is very important but the document speaks for itself, in other words the CPU and zoning reflects a lot of that commentary. The FGEIS responds to comments on the DGEIS and also responds to commentary that came up repeatedly that obviously were very important. The responses in the FGEIS explain why the CPU and zoning are okay environmentally or they won't have an adverse impact environmentally. The FGEIS is a response to all of the commentary and is the Town Board's document that says this is our last phase of the environmental review before we actually make "findings". It is kind of contrary to SEQRA to have commentary on the FGEIS because that is the response to all of the commentary.

Councilman Montemarano asked what the purpose of the additional public comment period was.

Ms. Axelson said it is not really a comment period. Once the FGEIS is complete, it is sent to all of the interested agencies and parties to let them know the response document is complete and the Board is ready to do "findings". Usually ten days later, "findings" are adopted. In this case because there was so much commentary, it made sense to extend the period of consideration. It is a period of consideration on the FGEIS, not a comment period.

Councilman DeRosa said it could affect the FGEIS, but most likely it won't.

Ms. Axelson said it could but most likely it wouldn't. If the Board really felt a change was significant, they would have to go back and do a supplemental EIS process but at this point, she felt the Board was ready to go forward and any comments the Board gets would be reflected in a "Findings Statement".

Supervisor Kelly said if Councilman DeRosa knows of substantial comments that are out there, the Board should get those immediately. The Board had a public hearing last month and will have a public hearing this month. He felt if someone had something substantial, it should be brought forward. Unless the Board is going to change the document in front of them, any issue brought forward could be moved to another year.

Councilman Johnson said the Board has allowed many months of public comment and has extended the comment periods, every time spending more and more money. He is of the opinion the Board needs to end it now and if there are more changes, the Board can handle them on an individual basis.

ROLL CALL VOTE ON THE MOTION:

Councilman Johnson – "AYE"

Councilman Upham – "AYE"

Councilman DeRosa – "AYE"

Councilman Montemarano – "NAY"

Supervisor Kelly – "AYE"

Resolution 2012079

**REGARDING DETERMINATION OF
COMPLETION AND FILING OF THE SEQRA
FINAL GENERIC ENVIRONMENTAL IMPACT
STATEMENT (FGEIS) AND EXTENSION OF
PERIOD OF CONSIDERATION PRIOR TO
FINDINGS**

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 from July through October 2011 is memorialized in the Revised CPU and in prior Town Board resolutions in this process;

Whereas, the CPU and zoning amendment documents have been revised extensively to respond to the commentary received; and a Final Generic Environmental Impact Statement (Final GEIS or FGEIS) has been prepared for the Town Board's SEQRA review; and

Whereas, at the March 14, 2012 meeting the Town Board took the following actions to continue the SEQRA and planning review of the CPU and Proposed Zoning Amendments:

- Extended the date by which an FGEIS must be prepared and filed;
- Set combined public hearings on the CPU and zoning for April 11, 2012 and May 9, 2012; and

- Authorized circulation of the Revised CPU and Zoning;

DETERMINATION OF COMPLETION AND FILING OF THE FGEIS AND EXTENSION OF PERIOD OF CONSIDERATION PRIOR TO FINDINGS CONTINUED

Whereas, at the April 11, 2012 meeting the Town Board took the following actions to continue the SEQRA and planning review of the CPU and Zoning Amendments:

- Held a combined public hearing on the Revised CPU and Zoning;
- Extended the date by which an FGEIS must be prepared and filed to May 4, 2012; and
- Extended the date by which SEQRA Findings must be prepared and filed to June 15, 2012; and

Whereas, the Town Board has reviewed and considered an FGEIS, which has been prepared to address adoption of the CPU and the proposed zoning amendments together as the "Proposed Action" pursuant to the SEQRA regulations; now, therefore, be it

Resolved, that the Town of Pawling Town Board hereby determines that the Final Generic Environmental Impact Statement (FGEIS) is complete and adequate for public review pursuant to SEQRA section 617.9; and, be it, further

Resolved, that a copy, or an electronic version as appropriate, of the SEQRA Notice of Completion of Final GEIS, the FGEIS with the DGEIS, Revised CPU and the Revised zoning amendments as appendices, will be circulated to the interested agencies, including the Environmental Notices Bulletin (ENB), in the list attached to the Notice; and, be it, further

Resolved, that the period for consideration of the FGEIS, the Revised CPU and Revised zoning shall be extended to Wednesday, May 23, 2012 at 4 PM, which is more than the required 10 days from this determination of completion of the FGEIS per SEQRA section 617.11(a); and, be it, further

Resolved, that printed copies of the FGEIS will be available at town hall and the library; and electronic versions of the FGEIS, CPU and proposed zoning will be available on the town's website.

Supervisor Kelly said he spoke with Ms. Axelson about a "Special Town Board Meeting" for the Board to discuss the Comprehensive Plan Update, after the final date for public comment on May 23rd and after the final public hearing on May 9th. He suggested that there be a special Town Board meeting strictly to talk about the CPU and any proposed actions on Wednesday, May 30, 2012. This would also take place before the adoption of the final "Finding Statement". He reminded everyone that the public hearing on April 11th and May 9th were not required.

The Board agreed.

Ms. Axelson said if the Board members have any questions, they should feel free to contact her.

SCHEDULE SPECIAL MEETING TO DISCUSS CPU MAY 30, 2012

PROPOSED RESOLUTIONS

Supervisor Kelly moved back to the resolutions. Following discussion, it was agreed that 2012080 and 2012081 would be placed on the May 9, 2012 agenda.

RESOLUTION REGARDING AMNESTY PROGRAM

The motion to adopt Resolution 2012082 regarding the "Amnesty Program", which is below, with the selected letter that is to be approved by the Town Attorney, was made by Councilman DeRosa, seconded by Councilman Upham.

ROLL CALL VOTE ON THE MOTION:

Councilman Johnson – "AYE"

Councilman Upham – "AYE"

Councilman DeRosa – "AYE"

Councilman Montemarano – "AYE"

Supervisor Kelly – "AYE"

**Resolution 2012082
Building Department Amnesty Program**

Whereas, the Town of Pawling Building Department has proposed a Building Permit Amnesty Program for consideration by the Town Board, and

Whereas, upon further research, the Building Department has indicated some 700 Building Permits that have not been finalized and currently sit "Open" in the files of the Building Department, and

RESOLUTION
REGARDING
AMNESTY
PROGRAM
CONTINUED

Whereas, the proposed Amnesty Program would run for a six month period starting on June 1, 2012 and ending on December 31, 2012, and

Whereas, town residents would have this 6 month period to file documentation with the Building Department to secure the terms and rights with in the program, and

Whereas, a copy of the program is attached and shall be made part of the resolution, and

Whereas, letters to residents will be mailed out to all known "open" Permits in three mailings; May 15, 2012, July 15, 2012 and November 1, 2012 by general mail with the last mailing to be sent by Certified/ Return Receipt to the remaining residents not answering previous mailings, now, therefore, be it

Resolved, the Town Board hereby approved the Building Departments Amnesty Program on Building permits, and offers the program for a six (6) month period of time running form June 1, 2012 to December 31, 2012, and, be it, further

Resolved, the Town Board hereby authorizes a reduction on application fees to the Building Department for Past Due Building Permits during this set period June 1, 2012 to December 31, 2012 to be \$150.00 which will include all inspections as required by the Code Enforcement Officer.

The motion to move the Resolution awarding the bid to Pawling Fence Company was made by Councilman Johnson, seconded by Supervisor Kelly.

Councilman Johnson said Wendel Weber, Supervisor of Buildings & Grounds did solicit bids and received four.

AWARD BID –
DODGE ROAD
BASEBALL
FIELD FENCE

ROLL CALL VOTE ON THE MOTION:

Councilman Johnson – "AYE"

Councilman Upham – "AYE"

Councilman DeRosa – "AYE"

Councilman Montemarano – "AYE"

Supervisor Kelly – "AYE"

Resolution 2012083
Award Bid – Dodge Road, Baseball Field Fence

Whereas, bids were duly solicited and requested for complete Chain - Link Baseball Field Fencing for the new baseball Dodge Road, and

Whereas, bids were received as a result of the solicitation, and

Whereas, vendors provided prices as shown on the tabulation sheet attached to this resolution, now, therefore, be it

Resolved, that the bid received for Chain - Link Baseball Field Fencing be awarded to Pawling Fence Company, the vendor submitting the lowest aggregate price bid in accordance with the specifications.

Pawling Fence \$23,450.00

Mid-Hudson Fence \$27,254.00

Duke Fence \$28,725.00

Carraturo Fence \$31,500.00

Supervisor Kelly moved back to the resolutions. Following discussion, it was agreed that 2012084 and 2012085 would be placed on the May 9, 2012 agenda.

PROPOSED
RESOLUTIONS

FACILITIES USE
REQUESTS

Supervisor Kelly said regarding Facilities Use Requests, he felt the Town should charge for use of their facilities and if the Board feels they want to waive a fee for an individual or organization, they could do so.

Councilman Montemarano suggested the Board get a list of public benefit organizations that serve the entire Town, the Board may want to exempt from fees.

ROOF FOR TOWN
HALL AND THE
LATHROP
BUILDING

Councilman Montemarano said regarding roof replacement for Town Hall and repairs to the roof at the Lathrop building at Lakeside Park, he has been discussing this with Supervisor Kelly over the past week and he hoped the Board could get this done at the next meeting.

Supervisor Kelly said he would work with Councilman Montemarano on this and possibly have a resolution ready for next week's meeting.

PRESENTATION
ON RENOVATIONS
TO HOLMES
WHALEY LAKE
CIVIC ASSOC.
BUILDING

The Board entertained a presentation by Councilman DeRosa on proposed renovations of the Holmes Whaley Lake Civic Association. Councilman DeRosa presented renderings and explained the work to be done to the Board. He explained that outside, among some of the improvements to be made would be the water problem would be fixed, the supports would be replaced and the building would be painted. The entrance would be moved to the middle of the building. Inside, there would be two meeting rooms, a handicapped bathroom and an elevator. Also, at the front door, there would be a new ramp with a roof over it. He said the elevator project could be a viable Community Development Block Grant application for this year.

Following discussion, it was agreed that the water and structural issues should be done first. The Board agreed that Councilmen DeRosa and Montemarano should move forward with this project.

Councilman Montemarano said a variance may be needed for a side yard setback for this building. He would move ahead with that process. The elevator project for this building has been submitted for a CDBG grant previously and it did not receive support. Things have changed now and he felt this would be a viable application this year and he would try to get a sense of that before wasting time on it.

SECURITY OF
TOWN OWNED
BUILDINGS

Councilman Johnson discussed security of Town owned properties and the vandalism that has taken place recently. He would like to try to prevent these things from happening and he felt that electronic surveillance would deter vandalism. He explained that someone broke the gate to the new ballfield and did donuts on the new top soil. He also mentioned the graffiti that has been done to Town properties recently. He would like to research this and present something to the Board.

Following discussion, the Board agreed that Councilman Johnson should research electronic surveillance for the Town and make a presentation to the Board on his findings.

KELLY

Supervisor Kelly reported that he attended a Pawling Joint Sewer Commission meeting and smoke testing was done on the sewer system to see if there was anyone that had gutters connected to the system and it did bring some results of that. They are now going after sump pumps as there is infiltration of groundwater in the system. Supervisor Kelly said he met with Congressman Chris Gibson on FEMA issues and he thanked John Daley, Kelly O'Rourke and Wendel Weber for their work dealing with FEMA. Congressman Gibson called the local FEMA office to expedite the process. Supervisor Kelly said he met with Dutchess County Resource Recovery Agency regarding Saturday's electronic recycling day. It's not too late to sign up. He met with Terry Stewart, Town Attorney regarding access on the Whaley Lake Dam, a contract with Pawling Animal Clinic for keeping dogs and other issues. He met with John Daley/ Highway Superintendent, Wendel Weber/Supervisor of Buildings & Grounds and Mike Kelly/Chief Constable and discussed their level of spending for the first quarter, they are right on course with their spending. He received a list from Dutchess County Real Property Tax of properties delinquent on their property taxes, which he would provide to the Board for their review. He received a letter from Comcast saying that starting July 1st there would be a charge of \$1.99 per month for each new digital adapter additional outlet, which he would check into. He announced that Senator Greg Ball was able to secure funding from the State to reopen the Pawling Nutrition Center and there is a barbeque tomorrow at the Pawling Fire House at noon. He asked Town Councilmen to attend if they could. Supervisor Kelly said he was appointed Monday to the E911 Maintenance Board, something he has been on since its inception. At that meeting, he brought up the number of times Pawling's ALS ambulance goes out of the district and no one was shocked and they knew it was coming. Supervisor Kelly said he received a letter

from the Oblong Land Conservancy thanking the Town for the use of the Lathrop building at Lakeside Park and a letter from Sue Blessey expressing concern about wood burning furnaces and the need for regulations regarding them. He would bring some language in the future regarding the use of these furnaces.

Councilman Johnson said he received a letter from a resident complaining about the cost increase for the yearly golf membership. He did research on this and said golf memberships are cheaper than they were five years ago. The public needs to understand the Town is not making money at the golf course.

JOHNSON

Councilman DeRosa said regarding the wood burning furnace, he has one and usually there isn't a problem as long as you put them in according to the manufacturer's specifications. He would never be in favor of banning them completely but he felt they did need controls in certain areas. Regarding the golf course, it is in good shape. He would like to investigate more uses for Murrow Park, which may help curb the vandalism. He attended the 25th Annual Hudson Valley Code Enforcement Officers Educational Conference April 18th, 19th and 20th with the Town's Building Inspectors. Pawling was recognized in the opening ceremonies because Tom Corrao, Town of Pawling Building Inspector is on the Board of that organization.

DEROSA

Councilman Montemarano said the deterioration at Murrow Park has accelerated since the waterfront has been closed. It was a very active place and we need to make sure it is a good park. The trails from Lakeside Park will connect to Murrow Park. The Board should come up with a list of uses there if the waterfront will remain closed. Councilman Montemarano said minor improvements at the access of Lakeside Park are underway and the entrance booth has been relocated. The Master Plan recommends a more up to date entranceway be put in approximately 300 feet from the existing entrance but that is not funded. Councilman Montemarano said Jennifer Panzer and Jay Gruendle are overseeing the trails program for the Town. They are overseeing a Girl Scout silver award project for Maeve Willis which involves marking of the trails and he presented a trail post and explained it to the Board. Ms. Willis is getting ready to complete this project. The girl scouts are ready to take on any number of projects at the park. He remembered a lot of volunteers over the years such as Irmgard Seidler for her work on the trails and Justin Scavone for his work on the fitness trails.

MONTEMARANO

Councilman Upham said he met with representatives of the Lyons Club and they will come up with a list of ideas for uses for Murrow Park. Councilman Upham said he would be going to the Library meeting tomorrow night as they have hired a focus group facilitator and he will report back to the Board on what they are trying to do. On the Town insurance, the best estimate now is that the increase will be between 2% and 4%. Two legitimate bids have been received. It is not easy to get reputable insurers to bid.

UPHAM

Supervisor Kelly opened the meeting for public comment.

Vinny DeMarco thanked the Board for bringing the meeting to Holmes as it makes it easy for Holmes residents to attend. He felt Councilman Johnson was on the right track as far as security cameras. He felt it was an affordable way to monitor what goes on at Town properties. He offered to help in any way he could. He was impressed with Councilman DeRosa's presentation on the Holmes Whaley Lake Civic Association building, saying the building could use the waterproofing and improving the building envelope. The elevator would be an asset. The Board is working hard and the audience perceives that the Board really cares and they work really hard to minimize expenses and reduce costs and get the job done.

PUBLIC COMMENT

Peter Cris, President of the Chamber of Commerce, echoed congratulations to the Town Board members. He said the Chamber would like to offer, in this interim period where the Town has no newspaper, to use Pawling Matters for notifications to the entire community.

Supervisor Kelly thanked Mr. Cris for that offer.

There were no further comments from the audience.

The motion to adjourn the meeting was made at 8:40 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk