

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM June 13, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Montemarano, DeRosa, Johnson and approximately 21 interested citizens. Councilman Upham was absent.

**PUBLIC COMMENT ON AGENDA ITEMS**

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

**APPROVAL OF MINUTES**

The motion to approve the minutes of May 2, 2012 and May 9, 2012 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**CONSENT AGENDA**

Supervisor Kelly moved to the consent agenda.

The motion to move Resolution 2012089 regarding “Payment of the Bills of the Town of Pawling” to the end of the non-consent agenda, was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

The motion to move the consent agenda, which is below, was made by Supervisor Kelly, seconded by Councilman Johnson and passed with the following roll call vote:

**ROLL CALL VOTE:**

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

**Resolution 2012092  
Seasonal Laborer; Buildings and Grounds Department**

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 involved in the day to day operation to complete such tasks, and

Whereas, the Building and Grounds Department has employed Ms. Madeline Vitek whom has submitted her resignation effective June 5, 2012, and

Whereas, the Supervisor of Building and Grounds has advertized to fill the vacant position, now, therefore, be it

Resolved, based on the recommendation of the Supervisor of Buildings and Grounds, the Town Board hereby appoints Elliott Ludington to the position of Seasonal Laborer for a period of 6/18/12 to 9/29/12 (22 weeks) at \$10.00 per hour.

**Resolution 2012093  
American Red Cross Emergency Shelter**

Whereas, the Town of Pawling has maintained a relationship with the American Red Cross whom has inventoried Lakeside Park, Lathrop Building as an Emergency Shelter over the past many years, and

Whereas, during the power outages caused by Hurricane Irene and Tropical Storm Lee in 2011, the American Red Cross opened and staffed a shelter at Lakeside Park for three (3) days and evenings for area residents, and

Whereas, the Town of Pawling and Village of Pawling have operated the same location as a distribution location for Dry Ice and Water during many power outages, and

Whereas, American Red Cross, Northeastern New York Region has requested to continue to use Lakeside as an Emergency Shelter, now, therefore, be it,

Resolved, the Town Board hereby authorizes the Supervisor to sign the “Shelter Agreement” with the American Red Cross.

**Resolution 2012096  
Fee Schedule Pawling Animal Clinic**

Whereas, the Town of Pawling is required pursuant to Part 2 of 2.14 of the State Sanitary Code as contained in Chapter 1 of title 10 (Health) NYCRR, and

Whereas, fees associated with the retention of Stray, Sick, Injured or Unwanted Dogs must be approved by the Town Board, now, therefore, be it

Resolved, the Town Board hereby approves the following fee schedule and shall pay the associated fees according to the contract:

- \$25.00 per day of confinement per dog
- \$25.00 for Kennel Cough Vaccination
- \$25.00 for Rabies Vaccination
- \$60.00 Euthanizing
- \$25.00 Disposing of remains of unwanted or unadoptable dogs

**Resolution 2012097  
Standard Work Day & Reporting, NYS Retirement System**

BE IT RESOLVED, that the Town of Pawling hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees’ Retirement System based on the record of activities maintained and submitted by these officials to the clerk of this body:

Title	Name	Social Security Number (Last 4 Digits)	Registration Number	Standard Work Day (Hrs/day)	Term begins/Ends	Participates in Employer’s Time Keeping System (Y/N)	Days/Month (Based on record of activities)
<b>Elected Officials</b>							
Supervisor	David P. Kelly			6	01/01/2012- 12/31/2013	N	28.3
Town Councilman	Michael Montemarano			6	01/01/12 – 12/31/2015	N	21.7
Town Councilman	Philip DeRosa			6	01/01/12 – 12/31/2015	N	24

**NON-CONSENT AGENDA**

Supervisor Kelly moved to the non-consent agenda.

**Resolution 2012090  
Award Bid – Town Hall Roof Project**

Whereas, bids were duly advertised and requested for the Town Hall Roof Project, and

Whereas, bids were received as a result of this solicitation and were publicly opened and read aloud on Wednesday, May 30, 2012, and

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

Resolved, that the bid received for Town Hall Roof Project, in accordance with the specifications, be awarded to Dutcher Ave. Builders Inc. in the amount of \$55,585.00.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**HOLMES WHALEY LAKE CIVIC ASSOCIATION ROOF BID CHANGE ORDER**

The motion to accept a change order in the Holmes Whaley Lake Civic Association roof project, which is a \$390.00 increase, was made by Supervisor Kelly, seconded by Councilman Johnson.

Councilman Montemarano said the bid specification included allowance for replacement of 100 square feet of roof deck/sheathing with variation in as-built square footage to be reconciled by credit/debit change order. Total roof sheathing replacement was 256 square feet and the change order is for replacement of 156 additional square feet of roof sheathing which is a \$390.00 increase.

The motion passed unanimously.

**NON-CONSENT AGENDA CONTINUED**

**Resolution 2012094**

**Allowance of Carryover Credits Planning Board & Zoning Board of Appeals**

Whereas, members of the Planning Board and Zoning Board of Appeals are required to attend and earn Continuing Education Credits each year they serve on a Board,

Whereas, four credits are required each year for each member while most majority of the courses carry three credit hours, and

Whereas, Town Law 267, section 7A, allows for a “Carry Over” of credit earned, and

Whereas, in the best interest of the use of the credits earned by our board members a request has been made by the Chairman of the Zoning Board of Appeals to allow for Carry Over and consideration of Alternate Work Credits, now, therefore, be it

Resolved, the Town Board hereby authorizes the Planning Board and Zoning Board members to carry over no more than the two credit hours from one year to the next and that any credit hour earned carried over will expire in one year from the date earned.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

Supervisor Kelly made a motion to table Resolution 2012094 in order to talk to the Code Enforcement Officer to see if this is something the Board could look at across the Town as a policy as it would deal with continuing education credits, seconded by Councilman Johnson.

Councilman DeRosa said the Building Inspector credits are mandated by the State of New York and you can't carry them over.

The motion passed unanimously.

**Resolution 2012095**  
**Position – Highway Seasonal Worker**

Whereas, the Superintendent of Highways has requested to rehire a retired town employee for seasonal mowing purposes, and

Whereas, upon research with the NYS Retirement System, retired members have the right to re enter the work force without conflict but with limitations, and

Whereas, Superintendent of Highways John Daley has recommended Mr. Jay Grundle to work a maximum of 200 hours for the purpose of mowing the sides of the roadway, now, therefore, be it

Resolved, that the Town Board hereby authorizes the Superintendent of Highways to appoint Mr. Jay Grundle up to 200 hours at \$12.00 per hour during the 2012 calendar year, and, be it, further

Resolved, that approvals must be reached with Dutchess County Human Resources and Teamsters Local 456 prior to hiring.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2012098**  
**NYS Office of Children & Family Services**

Whereas, New York State has adopted new guidelines on the use and parking of “Take Home” vehicles operated by NYS employees, and

Whereas, the NYS Office of Children & Family Services (OCFS) has contacted the Town requesting the ability to park a State vehicle in the Town Hall parking lot during off business hours, and

Whereas, a NYS employee would exchange his personal vehicle each business day, now, therefore, be it

Resolved, that the Town Board hereby authorizes the OCFS to park one NYS Vehicle in the Town Hall Parking Lot located at 160 Charles Colman Blvd, Pawling, NY 12564, and be it, further

Resolved, that New York State shall provide to the Town a copy of the vehicle insurance coverage within 30 days of the passage of this resolution and the employees of New York State shall provide the same insurance coverage policy along with any and all yearly renewal updates.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

Councilman Johnson expressed concern about moving the vehicle during the winter time for snow removal.

Councilman DeRosa suggested designating an area in the rear of the parking lot for parking during the winter.

Supervisor Kelly said a letter would be sent to the individual with a copy of the certified resolution, and he would include that the Town would need access to the vehicle.

ROLL CALL VOTE:

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

**Resolution 2012099**  
**Release - Planning Board Escrow Account**

Whereas, at the June 4, 2012 meeting the Town of Pawling Planning Board took action on matters of Paul & Eleanor Smith, and

Whereas, the Planning Board recommends to the Town Board to accept the release of the Escrow Account Funds in the amount of \$5,175.13, and acknowledges the acceptance of Town Engineers inspection.

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of the Pawling Planning Board on matters pertaining to Paul & Eleanor Smith and releases the Escrow amount of \$5,175.13 and authorizes the Bookkeeper to refund the said amount.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2012089**  
**Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of May 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 20120540 through 20120757, 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 \$223,342.77.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**OTHER BUSINESS TO COME BEFORE THE BOARD**

**WHALEY LAKE DAM ACCESS**

Supervisor Kelly said regarding the Town’s access to the Whaley Lake Dam, there was a meeting on Monday with Town Officials and the property owner north of the dam and there were continued discussions about access. The Board was talking about some type of agreement with this individual. The end result was that no matter what happens in the days to come, a value will have to be placed on the property. This would require an appraisal on the property to be acquired.

The motion to authorize the Town Supervisor to obtain an appraisal on the property was made by Councilman Johnson, seconded by Supervisor Kelly, motion passed unanimously.

**CONTINUING EDUCATION CREDITS**

Supervisor Kelly said regarding continuing education credits, the Board received a letter from the Chairman of the Zoning Board of Appeals Bill Blessey, saying the Town Board can consider work that individuals have done as continuing education credits. Chairman Blessey has requested that Mary Utter, Zoning Board of Appeals member be granted continuing credits for work that she has done for her employer.

The motion that on the recommendation of the Chairman of the Zoning Board of Appeals, the Town Board honor the request from Mary Utter to have continuing education credits for work completed, seconded by Councilman Johnson.

Councilman DeRosa said it was ten hours of work Ms. Utter completed and she asked for one credit hour.

Councilman Johnson said the Town is very fortunate to have a person of that skill level to be serving on one of the Town’s boards.

The motion passed unanimously.

**BOARD OF ELECTIONS FEE WAIVER**

Supervisor Kelly said the Board of Elections would like to hold a training session for election inspectors in Town Hall as they have done here in the past. They will be asked to fill out a Facilities Use Request but they have asked that the fee be waived.

The motion to grant a waiver for the Board of Elections was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**TOWN HALL SERVER**

Supervisor Kelly said last week, the Town Hall computer server system crashed. Northeast Computers were immediately alerted and it was found that due to a low voltage issue, the system had crashed. Everything was lost and bits and pieces have been coming back on line as of now but the biggest headache is the financial management system and Laserfiche program. He had conversations today with all involved, they don’t know if

any of the backup will be able to be saved. They are in the process now of building a new server and seeing if they can rebuild it with the backup, if they can get the back up to work. He is working on getting the systems back up and running and then he will worry about who is at fault and who will pay for this.

### **COMPREHENSIVE PLAN UPDATE**

Supervisor Kelly said Liz Axelson, Town Consultant from Morris Associates sent out a revision to the Comprehensive Plan Update dated June 11, 2012. The changes were based on issues that were brought up at the joint meeting between the Town Board and Planning Board held on May 30, 2012. He said Liz Axelson is present to discuss the document tonight. Everyone received the document today so not a lot of people have had time to digest it.

Ms. Axelson reviewed the changes to the Comprehensive Plan Update and explained the format those changes are shown in the document. She explained that changes had been made to Accessory Apartments (added to the R-1 to R-4 and CD districts), changes in the MBI supplementary regulations, Whaley Lake Dam side yard setbacks, the addition of “lodging and conference-event center”, and expiration of appeals granted by the Zoning Board of Appeals. These were among some of the changes Ms. Axelson reviewed with the Board.

Supervisor Kelly said the revised CPU would be posted on the Town website tomorrow. He felt the document could be adopted at the next meeting.

Councilman DeRosa felt the Board finally had a document that was pretty good and would make everyone happy. There were a lot of people who worked many years on this document and the Town has spent a lot of money on it. He felt it was time to move this document the way it is.

Councilman Johnson said Councilman DeRosa brought up a point, which is one of the reasons he is kind of against some of these changes. A lot of people worked a lot of time on this and there have been four years of public and professional input. The changes to the MBI district were to allow the possibility of a large store and 80,000 square feet is not enough to do that. He also felt the percentage restriction would defeat the purpose. He is not in favor of changing what people have worked on for four years. This is a substantial change and he can't support that.

Councilman DeRosa said the intent of the MBI zone is a mixed business zone and the only way you can guarantee it ends to be a mixed business zone is to have some kind of percentages of coverage in there and this would create a mixture of jobs. Retail has been added in the HB zone with changes that have been made and that is part of it. He asked Councilman Johnson to look at the intent in the MBI zone.

Supervisor Kelly said the MBI is “mixed business industry” and the intent is that it is an allowable zone in mixed business. The retail has been taken care of by putting it under a special use permit. The MBI says you can do retail, hospitality or industrial. He did not see why you would want to force parameters or percentage on one section of that. He did not think the economy was going to turn around in the next year or two or five years but the Board can make it attractive for someone to bring something into this area. The Board should look at what is best to move Pawling along.

Councilman Johnson said going forward, he was in favor of allowing a developer, whether it be Castagna or Elm Street, to have their hands untied and be able to look at a Home Depot or a restaurant chain that wants to come in. The developers need to know that they can now go after a hotel or conference center to come here. Economic development will find its own course. Different types of retail will drive different types of non-retail. Giving a person the ability to do that allows them to have a far greater chance of developing the property and starting to generate tax dollars.

Councilman DeRosa felt you were giving them a chance to do that because the sixty percent includes 30 or 40 uses that can be done there and it is all inclusive. The percentage would bring a mixture of jobs.

Supervisor Kelly said this is something the Board needs to look at and decide what they want to do moving forward.

### **JULY MEETING DATE**

Supervisor Kelly said the first meeting in July is scheduled for July 4<sup>th</sup>. He asked the Board what they wanted to do about this.

Councilman Johnson suggested only having a meeting on July 11<sup>th</sup> and scheduling another meeting at that time, if necessary.

The Board agreed.

The motion that the July 4, 2012 meeting be removed and the Board hold one meeting on July 11, 2012 at Town Hall was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

## **PUBLIC COMMENT**

### **MILITARY TRAINING SESSION**

Supervisor Kelly read the following statement:

As many of you are aware, a military training session took place on the evenings of June 7<sup>th</sup> and June 8<sup>th</sup> at Lakeside Park. These exercises were conducted by an elite unit of the United States Army in conjunction with the New York State Police. Training exercises were conducted under high security and surveillance and at no time were civilians in any danger. The units involved are such an elite group of military shrouded in secrecy that these exercises could not have been advertised in advance. I apologize to anyone for the veil of secrecy surrounding these exercises but it was necessary to do so in order to protect the active participants as well as the residents of Pawling.

Vinny DeMarco thanked the Board for another great meeting and their attention to the CPU. As the Chair of the Whaley Lake Dam Committee, he is glad the Board is putting so much effort into the access to the dam and he thanked Councilmen DeRosa and Johnson and Supervisor Kelly for their work on that. He felt Councilman Johnson brought up a good point about purchasing the access parcel and that should be discussed at the next Whaley Lake Dam meeting. Mr. DeMarco stated that there was a fire on Whaley Lake last week, and although the Fire Department did an outstanding job, the house did burn down. The houses are close to each other and this is something that should be considered in the side yard setbacks in the Whaley Lake area as this could be a safety issue. Regarding comments made about Pawling at the last meeting, which he did not agree with, Pawling is a wonderful Town and there are many things to do here. A lot of Councilman Johnson's work is dedicated to recreation and programs for the younger generation.

Bob Marvin, representing Elm Street Partners, said he would like to make a couple of comments regarding the proposed changes to the MBI zoning amendment. He thanked the Board and all who were involved as they have all done a lot of good work on the CPU. The recent changes that are proposed, for instance maximum store size and the percentage of the mix which would be forced upon developers in that district, would have a devastating effect because developers need certain size stores to anchor other businesses. This would essentially eliminate the possibility of significant development and additional real estate tax dollars for the Town. These changes will tie the hands of developers and prohibit them from really being able to market these sites. He urged the Board to reject those changes because if those changes are adopted, the Board will have adopted a CPU and zoning that will end up being a waste of time and money and will not stimulate economic development and so the time spent and two hundred thousand plus dollars will have been for nothing. He did not want to see that nor did he think most of the folks in the Town of Pawling wanted to see that.

Donna Pagliaro thanked Councilman Johnson for calling her after the last meeting regarding the issue she had. She agreed with Bob Marvin in reference to the limitations in the MBI zone. She owns a small business in Pawling and would be impacted by a Target coming in but she and her husband are willing to take that chance because there is nothing in Pawling and people are struggling. She felt the Town needed to give these developers a chance.

Julianna Discioscia, resident from 94 West Deer Trail, said last week, Rob Ryer gave a speech on what life is like for a teenager in Pawling. She agreed with every word he said. There is an increasingly large absence of jobs for teenagers and they have to rely on their



parents. Pawling lacks inclusive entertainment. There is a correlation between boredom and drug use. She felt it would be irresponsible for the Town to allow this trend to continue and she hoped Pawling could once more become a desirable community and a place people want to come back to.

Richard O'Rourke from the firm of Keane & Beane, P.C., representing Castagna Realty and Paul Tudor Jones said the bottom line to all of this is infrastructure. The issue in terms of square footage and everything else pales in comparison to what is the problem. There have been efforts made and the Town Board has been very responsive in terms of modifying the CPU and zoning and incorporating the need for infrastructure. If they get the infrastructure necessary, that is a catalyst for development, it is not the zoning itself, it is the infrastructure. That is the bottom line here. Respectfully, we all have to keep our eye on the ball and work together collaboratively. That not only has environmental benefits but it certainly has economic benefits.

Frank Strehle, Village resident, said he moved here in 1985 and he has been paying for the sewer system ever since. So the talk of putting in a new sewer system hurts him. He is retired and can't afford to live in Pawling, even though he would like to. The sewer system is still not paid for.

Supervisor Kelly said after the meeting, he would like to speak with Mr. Strehle about the last sewer payment being made this year and how the expansion would not be a new system.

There were no further comments.

The motion to adjourn was made at 8:00 PM by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk