

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM October 10, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Montemarano, DeRosa, Upham, Johnson and approximately 8 interested citizens.

APPROVAL OF MINUTES

The motion to approve the minutes of September 5, 2012 and September 12, 2012 was made by Councilman Johnson, seconded by Supervisor Kelly, motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

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

CONSENT AGENDA RESOLUTIONS

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

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012115
Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of September 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 20121134 through 20121244 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 \$191,613.04.

**Resolution 2012116
Authorizing Billing for Pawling Water District #2**

Whereas, Pawling Water District #2 bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$14,101.60 for the period of July 2012 through September 2012 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the Billing as recommended for Pawling Water District #2.

Resolution 2012117
2012 -2013 Dutchess County Snow & Ice Control Program

Whereas, the Town of Pawling has entered into an Intermunicipal Agreement with Dutchess County Department of Public Works in previous years to participate in the County's Snow and Ice Control Program, and

Whereas, Dutchess County has requested the Town of Pawling to enter into such agreement for the 2012 – 2013 winter season, and

Whereas, a copy of the contract is attached and shall be made part of this resolution, now, therefore, be it

Resolved, that based on the recommendation of the Superintendent of Highways, the Town Board hereby authorizes the Supervisor to sign the Intermunicipal Agreement with Dutchess County for the Town of Pawling Highway Department to execute the County's Snow and Ice Control Program for the 2012 – 2013 winter season based on the terms set forth in the contract.

Resolution 2012118
Acceptance of Donations

Whereas, the Town of Pawling from time to time is offered and or given gifts or services to benefit the town, and

Whereas, under Best Practices, the Town Board shall authorize all gifts to the Town, and

Whereas, the Supervisor's Office has been contacted by individuals who desire to donate to the Town, and

Whereas, The Pawling Beautification Committee, a sub committee of the Pawling Chamber of Commerce has offered to realign the entrance to the Town Hall parking lot off Charles Colman Blvd., remove the guide rail, rebuild the Town Hall Sign, and plant grass and other plantings between the sidewalk and the parking lot area, and

Whereas, a second request from Pawling Engineered Products has offered to build and construct a new entrance sign to Lakeside Park and new signage for the Johnson Pavilion within Lakeside Park, now therefore, be it

Resolved, that the Town Board hereby authorizes the Supervisor to accept the donations by the above individuals who have offered the donation of goods or services to the town to benefit the Town.

Resolution 2012119
Employee Benefits

Whereas, the Town of Pawling offers employee health benefits to its full time employees, and

Whereas, the Town has offered certain employment benefit options to both full and part time employees of the town, and

Whereas, the Town has been approached by Aflac to offer it's employee additional benefit insurance at no cost to the Town, which only the employee with funds through payroll deductions, and

Whereas, Aflac can offer policies to all town employees such policies as Disability Insurance, Injury / Sickness and Cancer policies for their own consideration of retaining, now, therefore, be it

Resolved, the Town Board hereby authorizes the Supervisor to research policies and programs for its employees with Aflac and to present findings to the Board.

Resolution 2012121
Waiver – Facility Use Requests

Whereas, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town's own usage, and

Whereas, the Director of Recreation will receive a request to waive the fees, and

Whereas, the waiver of fees is a duty of the Town Board, now, therefore, be it

Resolved, that the following waiver(s) have been recommended by the Recreation Director:

- 1) Pawling Girl Scouts – Halloween Party

Resolution 2012122
Town Employee Training

Whereas, the Town is required to train their employees per the New York State Department of Labor, Division of Safety & Health, and

Whereas, the Town of Pawling has started a program to train all of its work force together to meet said requirements, and

Whereas, in order to perform combined training, the Town must close for a period of time during the business day for such activity, now, therefore, be it

Resolved, that Friday, October 26, 2012, at noon the Town Offices, Recreation Offices, Highway Dept., and Building and Grounds Departments will be closed and all employees, elected and appointed officials of the Town are hereby instructed to convene at Town Hall, on the above stated day and time at 160 Charles Colman Blvd., Pawling for the purpose of training in Sexual Harassment and Workplace Violence Prevention.

NON-CONSENT AGENDA RESOLUTIONS

Resolution 2012120
Award Holmes Whaley Lake Civic Building

Whereas, bids were duly advertised and requested for the Holmes Whaley Lake Civic Association Building, and

Whereas, bids were received as a result of this solicitation and were publicly opened and read aloud at 11:30 am on September 26, 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 Holmes Whaley Lake Civic Association Building in accordance with the specifications, be awarded to _____ in the amount of \$_____.

Councilman Montemarano said regarding resolution 2012120, he is still awaiting the complete list of references for the first two eligible bidders so he is not ready for the Board to move on this at this time.

Supervisor Kelly made a motion to table resolution 2012120, seconded by Councilman Johnson, motion passed unanimously.

Resolution 2012123
Setting Public Hearing – Local Law # _ of 2012;
Exceeding NYS Property Tax Cap

Whereas, the Town Board of the Town of Pawling is considering a Local Law numbered ____ of 2012 for the Override of the New York State Property Tax Cap, and

Whereas, by identifying the vision, goals, and strategies by which the Town intends to achieve a budget that provides services and expenditures necessary to operate the Town in an efficient manner the Town Board is obligated to hold a public hearing to pass the legislation necessary to override the property tax cap, now, therefore, be it

Resolved, that the Town Board will hold a Public Hearing on Local Law # ____ of 2012 on Wednesday November 7, 2012 at 160 Charles Colman Blvd., Pawling, New York at 7 pm for the purpose of discussing the legislation to override the New York State Property Tax Cap.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Councilman DeRosa asked if this was time sensitive the Board has to act on.

Supervisor Kelly said yes, it is. It is a fall back and is put in place so that if projected numbers don't come down, it is a fail safe.

Councilman DeRosa felt the Board should try to meet the tax cap number.

Councilmen Montemarano, Johnson and Upham agreed.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

Resolution 2012124
Setting Public Hearing – Local Law # _ of 2012;
Employee Insurance Buyout Program

Whereas, the Town Board of the Town of Pawling is considering a Local Law numbered _____ of 2012, titled “Capping the Town of Pawling Insurance Buyout Program.

Whereas, by identifying the vision, goals, and strategies by which the Town intends to achieve a budget that provides services and expenditures necessary to operate the Town in a efficient manner, the Town Board is obligated to hold a public hearing to pass the legislation necessary to Cap the Town of Pawling’s Insurance Buyout Program and amend Local Law #1 of 2008, now, therefore, be it

Resolved, that the Town Board will hold a Public Hearing on Local Law # ____ of 2012 on Wednesday November 7, 2012 at 160 Charles Colman Blvd., Pawling, New York at 7 pm for the purpose of discussing the legislation of the Town of Pawling Insurance Buyout Program and amending Local Law # 1 of 2008.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012125
2012 Board of Election Payment**

Whereas, the Town of Pawling is responsible for the cost of the General Election which is operated and billed directly by Dutchess County, and

Whereas, the Town has adopted a budget of 2012 that has allocated \$16,000 for election charges, and

Whereas, the cost for the election process of 2011 and 2012 will exceed the projected budgeted amount for 2012, and

Whereas, County Executive Molinaro has proposed for 2013, Dutchess County will cover the entire costs of the election process moving forward, and

Whereas, within the proposal from the County Executive, the “Plan” calls for an option for Pawling to pay the 2011 & 2012 costs in two equal payments, one due by October 31, 2012 and the second due before November 15, 2013, now, therefore, be it

Resolved, that the Supervisor has recommended as part of the 2013 Budget process, that the Town of Pawling make payment to Dutchess County in two equal payments of \$9,011.50 by choosing PLAN A; Two equal payments in 2012 and 2013, and, be it, further

Resolved, that the Town Board hereby authorizes the Bookkeeper to make payment to Dutchess County prior to the October 2012 deadline.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012126 (Pulled 10/4/2012)
Health Insurance Buy-Out**

Whereas, the Town of Pawling offered a Health Insurance Buy-Out program to its employees and officers, and

Whereas, the Town Board has made changes to the Buy-Out program, and

Whereas, as costs continue to increase for health Insurance, the cost for the Buy – Out program has reached alarming levels for reimbursement to the employee or officer, now, therefore, be it

Resolved, that proposed amendment to Local Law #1 of 2008 hereby changes Chapter 40, section 40-3B.1 to read; “The amount of the cash payment will be \$4000.00 for a current employee or officer.

2013 TENTATIVE BUDGET VOTE

Supervisor Kelly made a motion to move the document placed in front of the Board as the 2013 Tentative Budget, seconded by Councilman Johnson.

Supervisor Kelly said a vote on the Tentative Budget is not accepting anything that is in the Tentative Budget, it is just accepting the budget to place it as a Tentative Budget to move it through the process. By placing it as a Tentative Budget, the Board can do what they need to do to review it and make changes. It is a housekeeping/procedural item.

Councilman Montemarano said so this vote is for the purpose of amending and making changes to the budget.

Supervisor Kelly said that is correct.

The motion passed unanimously.

COURT CLERK

Supervisor Kelly said the Court Clerk has given verbal notice that she is going to resign from the position of full time Court Clerk. This is something both Town Justices have been working with her on. She will seek full time employment in another establishment and the Justices are looking to bring on another full time person. This is an exempt position and is outside Civil Service testing. Until a formal resignation is received, there cannot be any noticing of that position and no hiring. He wanted to keep the Board up to date on what has been going on.

HIRING CONSTABLES

Supervisor Kelly said he has spoken to Chief Constable Mike Kelly and currently there are two Town Constables that have resigned. Chief Constable Kelly will need to hire some new constables and he felt this could be done in November.

CASTAGNA PROPOSED PLANNED DEVELOPMENT DISTRICT (PDD) ZONE CHANGES

Councilman Montemarano said he has begun reviewing the petition submitted by Castagna for the proposed changes in the PDD zone. From a personal standpoint, he would be happy to hear the input of the Town Planning Board on this matter and would like, if the Board is in agreement, to refer the petition to the Planning Board for their review and advice. He felt it would be very helpful to the Town Board and economical for the Planning Board to review the petition.

Supervisor Kelly agreed and felt the document should go to Morris Associates since the Comprehensive Plan Update was just completed and have them review it. Liz Axelson has prepared an estimate/timeline of a review by Morris Associates. Ms. Axelson could send a letter to the Planning Board, including them in the process. An Implementation Committee has been formed and he did not want to cross the two because this is a separate issue.

Councilman DeRosa said he has been involved with the Castagna approval for the past fifteen years. He spoke with Kent Johnson, Planning Board Chairman last week. He has been reviewing the previous Castagna approvals and there is a lot of information in the Planning Board files. There are summary documents of the Castagna approvals from previous engineers. He felt that as the Board moved forward, they should talk to the applicant and find out the things in the plan that are good and there is agreement on and the things in the plan that there is not agreement on and how this will affect the SEQRA process. The SEQRA process is where he felt the Board would need Morris Associates help. He reviewed some of the points of the previous Castagna approval with the Board. He said he would like to be involved with conversations with Ms. Axelson and the applicant and he would like to keep the costs down. He thought Morris Associates costs would be a pass through to the applicant.

Supervisor Kelly said that is correct, 100%.

Councilman DeRosa said he would like to keep costs down for the applicant also. There are a lot of things in the petition that aren't in the original approval. These could affect the SEQRA determination and all of the hard work the Planning Board did throughout the past 15 years on this project. He would like to get a package together with Kent Johnson, Planning Board Chairman, to give to the Planning Board and Town Board to review. He felt everyone needed to have the same understanding of the original approval and how these changes would affect it.

Supervisor Kelly agreed and suggested Liz Axelson from Morris Associates be involved from the beginning of the process. The applicant is looking to see how fast they can get this done but he felt this needed to be expedited in an efficient manner.

Councilman Johnson recommended Councilman DeRosa meet with Ms. Axelson before he meets with the Planning Board.

Councilman DeRosa said he would get the package together and speak to Ms. Axelson about it. He felt he could give Ms. Axelson a lot of information without her spending a lot of time on it.

Councilman Montemarano asked if there was an estimated cost for Morris Associates review of this.

Supervisor Kelly said the cost estimate was approximately \$5,000.00.

Councilman Montemarano said there is something to be said to try to economize this process with the Planning Board and they should be kept involved.

Supervisor Kelly agreed but felt the petition should be read, digested and given to Ms. Axelson to see what she would like to do and how this would be handled.

Councilman DeRosa felt it would depend on how the applicant responds to what the Board's comments are on what their likes and dislikes are.

Councilman Johnson said ultimately, he believed it would become a legal matter.

Councilman DeRosa said it may not because with proper negotiations, it may go through pretty quick because time costs the applicant money too.

Councilman Johnson said he would rather have Ms. Axelson look at the petition and let the Board know where they stand and the Town Board, after input from the Planning Board, can say where they want the project to go or not go.

Supervisor Kelly felt that Town Attorney Terry Stewart should be at all meetings with Ms. Axelson. Mr. Stewart should keep things open and fluid throughout this process. He asked that Councilman DeRosa keep the Board apprised of what he is doing.

MOTION TO REFER CASTAGNA PETITION TO PLANNING BOARD

The motion to refer the petition to the Planning Board for their review and advice was made by Councilman Montemarano, seconded by Councilman Upham.

Councilman Johnson said he wanted to make sure that this is reviewed with Ms. Axelson prior to going to the Planning Board.

Councilman DeRosa said it doesn't hurt for the Planning Board to look at the SEQRA Declaration and prior approval and review it.

Councilman Johnson said no disrespect to the Planning Board, he would like it reviewed by a person who is a professional.

Councilman DeRosa said he did too but felt the prior approvals could be reviewed prior to that, as that would move the process along faster. He was not against Ms. Axelson reviewing it.

Supervisor Kelly expressed concern that the Planning Board might go ahead with something that may not need to be done. He felt that Councilman DeRosa's conversation with Ms. Axelson and Mr. Stewart should happen first, before there is any formal review by the Planning Board.

Councilman DeRosa said he had already begun, two weeks ago, reviewing the prior approvals. His suggestion is for everyone to familiarize themselves with the prior approvals.

Supervisor Kelly said that is why the planner should go over what needs to be done and things need to be done in an organized fashion.

Following further discussion, the motion passed with the following roll call vote:

ROLL CALL VOTE ON THE MOTION:

Councilman Johnson – “NAY”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

TOWN HALL ROOF

Councilman Montemarano said the process of re-shingling the Town Hall roof has begun. The contractor has opened up the understructure and the input from the Building Inspector today was that there is a need for a plywood overlay sheathing over the random boards.

Tom Corrao, Town Building Inspector said the slats are in great condition but there needs to be plywood installed on the roof.

Following further discussion, the motion to approve a change order in the amount of \$23,700.00 for the installation of plywood sheathing, soffit and fascia replacement, gutter replacement and gutter guard replacement was made by Councilman Montemarano, seconded by Councilman Johnson, motion passed unanimously.

Councilman DeRosa said regarding the Building Department, with the rain last week, water came in the building because the drain was clogged, but also the water was coming in through the walls. He is going to work with Building Inspector Tom Corrao to see if the door in that department could be closed and add a window and also direct water away from the building. He will update the Board as they research what can be done.

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

The motion to adjourn the meeting was made at 7:40 PM by Councilman Johnson in memory of Thomas Lasher, Dutchess County Sheriff’s Officer who passed away last week. Mr. Lasher served the community well for 25 years in law enforcement, lived in the Village of Millerton and was a lifetime Dover Fire Department Member, seconded by Councilman Upham, motion passed unanimously.

Town Clerk