



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

**Resolution 2012131  
Amend Resolution 2012109 Tax Certiorari**

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Two Girls Realty on Pawling Tax Parcel No. 257965 for years 2007, 2010, 2011, 2012 in the estimated amount of \$2,170.25, and

Whereas, a tentative settlement has been agreed to between the Town of Pawling and RJG Realty on Pawling Tax Parcel No. 265974 for years 2007, 2010, 2011, 2012 in the estimated amount of \$2,780.41, and

Whereas, it is in the best interests of the Town of Pawling and its residents that the settlement be approved, and

Whereas, due to clerical errors in finalizing the assessment rolls require an amendment to the original resolution, now therefore be it,

Resolved, that the Pawling Town Board hereby accepts the recommendation of the Assessor (retired) and Counsel to settle the matter of a Tax Certiorari with Two Girls Realty and RJG Realty, and be it further

Resolved, that the assessments on all parcels included be reduced in value within as recommended by the Assessor (retired) and Counsel which was revised on 11/7/2012.

Tax Parcel No. 257965

Year Tax Rate/\$1000 Assessed Value Settlement AV Difference Estimated Town Portion of Refund

2006	\$217,500.00	\$217,500.00	\$0.00	\$0.00
2007	6.82/\$1000 \$217,500.00	\$152,985.00	(\$167,400.00)	\$64,515.00 (\$50,100) \$439.99 (\$341.682)
2010	8.91/\$1000 \$217,500.00	\$155,000.00	\$62,500.00	\$556.87
2011	9.06/\$1000 \$217,500.00	\$148,500.00	\$69,000.00	\$625.14
2012	8.98/\$1000 \$217,500.00	\$145,500.00	\$72,000.00	<u>\$646.56</u>
Total		<u>\$2,268.56</u>	<u>(\$2,170.252)</u>	

Tax Parcel No. 265974

Year Tax Rate/\$1000 Assessed Value Settlement AV Difference Estimated Town Portion of Refund

2006	\$177,000.00	\$177,000.00	\$0.00	\$0.00
2007	6.82/\$1000 \$177,000.00	\$93,765.00	(\$102,600)	\$83,235.00 (\$74,400) \$567.67 (\$507.41)
2010	8.91/\$1000 \$177,000.00	\$95,000.00	\$82,000.00	\$730.62
2011	9.06/\$1000 \$177,000.00	\$92,000.00	\$85,000.00	\$770.10
2012	8.98/\$1000 \$177,000.00	\$91,000.00	\$86,000.00	<u>\$772.28</u>
Total		<u>\$2,840.67</u>	<u>(\$2,780.41)</u>	

Total Estimated Refund for both Parcels \$5,109.23 (4,950.66)

**NON-CONSENT AGENDA RESOLUTIONS**

**Resolution 2012130  
Health Insurance-Cash Payment**

Whereas, the Code of the Town of Pawling, Chapter 40 titled “Health Insurance” allows for the Town Board to make changes to the allocations of cash payment in lieu of Health Insurance in 40-3B.(3), and

Whereas, by resolution the Town Board can change the percentage of the annual premium cost to determine the cash payment, now, therefore, be it

Resolved, the Town Board hereby sets the percentage of cash payment to be 19.39 percent of the annual premium for a family plan for the calendar year 2013.

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 2012132  
Consultant – Planning Board**

Whereas, the Planning Board of the Town of Pawling met on Monday, November 5, 2012 and deliberated about an application of the construction of a cellular tower in the Town of Pawling, and

Whereas, the Planning Board voted to request the Town Board to consider the hiring of a consultant with expertise on Communication / Cellular Tower matters to advise and instruct the Planning Board, now, therefore, be it

Resolved, that the Town Board hereby authorizes the Town Supervisor to negotiate and enter into an agreement with a consultant with Communication / Cellular Tower experience with all costs being charged to the applicant to advise and instruct the Planning Board on matters only relating to the application for the construction of a Cellular Tower within the Town of Pawling.

MOTION: Councilman Johnson  
SECOND: Councilman Upham

Councilman Montemarano said he didn’t know how it came to be that the Planning Board had to come to the Town Board, and he understood they decided to come to the Town Board to hire consultants and experts. The Town Law clearly provides that the Planning Board has the power and authority to employ experts and clerks and secretaries and to provide for such other expenses that may be necessary and proper.

Councilman Johnson said the Planning Board asked the Town Board to do this.

Councilman Montemarano felt this was one less thing the Town Board should have to do. The Planning Board certainly does not have to ask.

Councilman DeRosa said especially on a pass through item like this. If it wasn’t a pass through to the applicant, and the Planning Board did not have money in their budget for consultants, the Town Board would have to authorize the payment.

Supervisor Kelly said the Planning Board did this on their own. The Chairman of the Planning Board had met with this consultant prior to bringing it to the Planning Board’s discussion. Supervisor Kelly said he spoke with the Chairman of the Planning Board this evening about this and he wholeheartedly said this is a very important issue and the Town Board and Planning Board need to work together on this, and he would like

to make sure this resolution is moved. The Planning Board is asking the Town Board to do this. He agreed with Councilman Montemarano that is what the law says but the Boards need to work together and the lines of communication need to be open. The Town Board are the ones who will be authorizing payment if there is payment needed on something. The basis of this is to allow the Supervisor to negotiate and enter into an agreement with the consultant because someone has to sign the contract.

Councilman Johnson said it is a pass through but in the interest of the residents, he felt the Town Board would negotiate a better deal than the Planning Board would. He felt it would be wrong to tell the Planning Board they had to do it themselves.

ROLL CALL VOTE ON RESOLUTION 2012132:

Councilman Johnson – “AYE”

Councilman Montemarano – “NAY”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012133**  
**Appointment – Court Clerk; Full Time (Exempt Class)**

Whereas, the Town of Pawling has noticed the future vacancy of the full time position of Court Clerk in multiple media locations, and

Whereas, applications have been referred to the Justices of the Town of Pawling for their review, and

Whereas, the name of Sarah Volk has been recommended by said Justices to fill the position of Full Time Court Clerk, now, therefore, be it

Resolved, that Sarah Volk is hereby confirmed by the Town Board to fill the position of Court Clerk effective November 15, 2012.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

Supervisor Kelly wished Ferrol Lynch, current Court Clerk the best in her future endeavors. She will be staying on as part time clerk and her work was exceptional.

Councilman Montemarano asked if when the Board makes an appointment, they typically state the salary.

Supervisor Kelly said the Board has in the past but this is what is in the 2012 and 2013 budget.

Councilman DeRosa asked if Ms. Volk would be staying at the same rate as Ms. Lynch.

Supervisor Kelly said that is correct.

**Resolution 2012134**  
**Appointment – Assessors Aide Part Time**

Whereas, the Town of Pawling has noticed the vacancy of the full / part time position of Assessor Aide in multiple media locations, and

Whereas, applications have been referred to the Assessor of the Town of Pawling for his review, and

Whereas, the name of Lillian Mead has been recommended by the Assessor to fill the position of Full Part Time Assessors Aide, now, therefore, be it

Resolved, that Lillian Mead is hereby confirm by the Town Board to fill the position of Assessors Aide effective November 15, 2012, and, be it, further

Resolved, that funding for this position is part of the Adopted 2012 Town Budget and is included in the 2013 budget for an average of twenty five hours per week, five days per week.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

Supervisor Kelly said this position was advertised quite some time ago. He and new Assessor Chris Boryk had narrowed candidates for this down to two. One backed out at the last minute and the other one has accepted and is pending the Town Board's confirmation, Lillian Mead. Ms. Mead is a current Town employee who works for the Recreation department and is aware that this is a part time position for 25 hours per week and is part of the 2012 adopted budget and is included in 2013.

Councilman Montemarano asked how many applicants there were from the beginning of the advertising for this position.

Supervisor Kelly said there were about 14 applicants. He called every one, some people did not return phone calls and some already had jobs or were not interested in a part time position. The position is for 5 days per week, 25 hours per week.

Councilman Montemarano said this young lady is already an employee of the Town at the Recreation Department and he asked how it would work out. He asked if Ms. Mead was still a student.

Melissa Smith, Recreation Director said no, she is not a student. She is the "After School Club Director".

Supervisor Kelly said she is not a student, and her normal times for the Recreation Department position begin at 2:00 PM.

Councilman Montemarano asked if Ms. Mead would continue to work for the Recreation Department.

Ms. Smith said she hoped so.

ROLL CALL VOTE:

Councilman Johnson – "AYE"

Councilman Montemarano – "AYE"

Councilman DeRosa – "AYE"

Councilman Upham – "AYE"

Supervisor Kelly – "AYE"

**Resolution 2012135**  
**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) Shore Haven – HWLCA
- 2) Interact Recognition Dinner – Lathrop
- 3) Girls Scouts – Lathrop

MOTION: Councilman Johnson  
SECOND: Councilman Upham

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2012136  
2013 Highway Material Bid**

Whereas, the Superintendent of Highways has requested bids on various highway materials for the year 2013, and

Whereas, the list of materials has been advertized in the Poughkeepsie Journal and was noticed to be opened on October 24, 2012 at 10:00 am, and

Whereas, the bids on materials have been reviewed and approved by the Highway Superintendent for purchase in 2013, now, therefore, be it

Resolved, that the materials are awarded as recommended by the Highway Superintendent.

MOTION: Councilman Johnson

SECOND: Councilman Montemarano

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**2013 BUDGET DISCUSSION/ADOPTION**

Supervisor Kelly said the Board has had numerous budget discussions and the numbers are where they have been for weeks. There is a 1.94% increase over last year, which is under the tax cap.

The motion to adopt the 2013 budget was made by Supervisor Kelly, seconded by Councilman Johnson.

Councilman Johnson said good job.

Supervisor Kelly said this has been a trying time trying to get under the tax cap and he thanked the Board for their help and the department heads for attending meetings and discussions on the budget. He thanked Todd Bender, Legislative Aide and Jerry Terwilliger, Bookkeeper for their help with the document.

Councilman DeRosa said the residents have to understand that the Board tries to keep this number under 2% but there are a lot of areas in this Town that need work that are not going to get it, such as the roads and buildings and grounds. There is only \$25,000.00 in the 2013 for buildings and grounds. The Town Board is struggling with trying to maintain everything with very little money. He gave Supervisor Kelly credit for getting the numbers down but the Board has to find revenue increases so they don't fall behind.

Supervisor Kelly said Councilman DeRosa is correct in that there is a lack of money for repairing the Town's physical plant. These numbers would be dramatically worse if the Town of Pawling didn't have a family who bequeathed a large sum of money to the Town years ago. That money was invested when times were good and that is what the Board is using to fix the Town's physical plant now, such as the Town Hall roof, the Lathrop building roof and the Holmes Whaley Lake Civic Association. These are all thanks to the Hoffman family and those projects will be noted. The total was approximately \$900,000.00 and to date the Board has used approximately \$150,000.00 of

that money, which is a benefit to everyone in Town. These repairs are a good use of that money. He hoped the Town's bond rating would be very good for the Lakeside Park refinance. The investor he is working with from Moody's on the Lakeside Park bond refinancing was happy to hear this money was being used in this manner and no bonds were being taken out for these repairs.

The motion to adopt the 2013 budget passed unanimously.

### **FURTHER BUSINESS**

Supervisor Kelly said last week, the Board held two public hearings on two local laws. One local law was to exceed the property tax cap and the other was on health insurance. Those local laws were not presented to the Board due to the fact that the Board was able to get the budget down under the 2% tax cap and the health insurance was accomplished by means of a resolution so no local laws needed to be adopted.

He and Councilman Upham met with representatives of AFLAC and he asked Councilman Upham to make a recommendation to the Board at the next meeting as to what services the Town might want to offer to their employees.

Supervisor Kelly said a closing for the Lakeside Park refinancing is scheduled for the end of this month and a full closing is scheduled in New York City on December 7<sup>th</sup>.

### **NEW COMPUTER SERVERS**

Supervisor Kelly said he is ready to offer a motion to move forward with a majority of the proposal from Sullivan Data Management regarding the Town's computer systems, email and servers. He made a presentation to the Board and reviewed the proposal with the Board for new servers and related equipment. Following the presentation and discussion, the following motion was made:

Supervisor Kelly made a motion to authorize the Supervisor to enter into an agreement with Sullivan Data Management for the upgrade to the system for Town Hall, which will include firewalls, servers, backup system, the KVM, the UPS and all other software and licenses that are necessary, and to explore the option of on site hosting of email not to exceed the \$38,773.55, add to that the conversion on the email system for \$3,000.00 plus a monthly cost of \$120.00 and to add the on site and off site back up systems, seconded by Councilman Johnson.

Councilman Johnson asked if this would come under the bid process or State bid.

Supervisor Kelly said everything is off State bid.

Councilman Upham asked if the Board could be provided with some kind of master plan for this project, especially if the Recreation Department will be included.

Supervisor Kelly said he would speak to representatives of Sullivan Data Management about that.

The motion passed unanimously.

Supervisor Kelly made the motion to transfer \$50,000.00 from fund balance to pay for the cost of the upgrades for the computer system as noted above, seconded by Councilman Johnson, motion passed unanimously.

### **COMCAST FRANCHISE AGREEMENT**

Supervisor Kelly said he has been working with Comcast and he felt a new franchise agreement was very close. His sticking point on the agreement is that Comcast needs to provide internet service to every one of the Town's facilities.

## **JOHNSON**

Councilman Johnson said he spoken with Tom D'Ottavio and the golf course will be open hopefully until the end of November. Also, the Interact Club has a dodge ball tournament this Friday to benefit the Ryan McElroy Children's Cancer Foundation.

## **DEROSA**

Councilman DeRosa said he and Supervisor of Buildings & Grounds Wendel Weber and his crew were at the Holmes Whaley Lake Civic Association Building for the past couple of days cutting back the trees and removing the oil tanks. He met with the adjoining landowner and discussed the rehabilitation of the HWCLA building with him. He met with Ed Munning/President of the HWLCA and Susan Twaddell and discussed the renovation project with them and informed them that the thrift shop would have to be emptied and closed during construction. Also, he attended a meeting of Dutchess County Planning & Development regarding safe streets and fire codes and the Chairman of the Planning Board was also there. It was an informative event.

## **PUBLIC COMMENT**

Peter Cris, President of the Pawling Chamber of Commerce thanked the Board for putting together a great budget. He suggested the Board submit an article to Pawling Matters for publication. He also suggested the Board submit an article to Pawling Matters regarding the Town's bond rating, as it is something people might want to read about. He thanked John Daley, Highway Superintendent and his crew for doing a great job during the storm. He reminded everyone to attend the Chamber of Commerce meeting on November 19<sup>th</sup> as the County Executive would be speaking about the County's budget.

Vinny DeMarco said he was impressed with the budget process and understood that the Board worked hard to keep the increase under the 2% tax cap. He thanked Supervisor Kelly for his work during the storm and the County for supplying dry ice and water for residents during the storm. He also thanked Supervisor Kelly, Councilman DeRosa and Todd Bender, Legislative Aide for clearing the Whaley Lake Dam spillway prior to the storm. He thanked John Daley, Highway Superintendent for the great job he is doing.

Supervisor Kelly thanked Wendel Weber, Supervisor of Buildings & Grounds and his crew and the Village of Pawling crew for getting the water and dry ice during the storm. One third of the supplies were taken to Caterina's Market in Holmes and he thanked them for opening as a pick up center. He thanked Vinny DeMarco and Brenda Colberg for helping to get supplies to residents in Holmes who needed them.

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

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Town Clerk