

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM December 12, 2012 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen DeRosa, Johnson, Upham and approximately 18 interested citizens. Councilman Montemarano was absent.

COMMENDATION/PAWLING HIGH SCHOOL CROSS COUNTRY TEAM

Supervisor Kelly said the Board had the distinct pleasure of honoring the Pawling High School Cross Country Team this evening. Coach Jack Power and members of the Cross Country Team were present and were honored with the following commendation as read aloud by Councilman Johnson:

COMMENDATION

Whereas the Pawling High School Boys Varsity Cross Country team is coached by Jack Power, and,

Whereas on October 10th, 2012 the team competed against five other teams and won their League Championship, and,

Whereas on November 3rd, 2012 the team competed against twelve other teams to capture the State Qualifier, and

Whereas eleven teams competed on November 10th, 2012 at the New York State meet and were crowned NEW YORK STATE CHAMPIONS, and,

Whereas the team has been recognized as the 21st best team in the entire nation for schools with fewer than five hundred students, therefore be it

Resolved that the Town of Pawling hereby recognizes

Brandon Capo-Roth, Brennen Farrell, Mikey Slattery, Dylan Smith, Matthew Jorgensen, Kevin Langone, Derrick Kowalczyk, Henry O'Connor, Coach Jack Power

For their outstanding commitment and dedication that has earned them the title of NEW YORK STATE CHAMPIONS.

Coach Power said the Team has the cooperation of the community, members of the business community, parents, staff at the Recreation Department and the Town. This is a team effort and the success of this team is the success of Pawling and he wanted to make sure that word gets out. When we work together, good things happen and in the spirit of cooperation, good things happen.

Supervisor Kelly made a motion to place on the existing sign at Lakeside Park, where it says "Home of the 2010 New York State Champions" to add a banner that says, "Home Course of the 2012 New York State Boys Champions", seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly thanked Mr. Power and the team for coming. He said there are commendations for the Girls Cross Country Team for their success this year as well, and he would try to go to a School Board meeting and present them at a later date.

PUBLIC COMMENT ON AGENDA ITEMS

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

MINUTES

The motion to approve the minutes of November 7, 2012 and November 14, 2012 was made by Supervisor Kelly, seconded by Councilman Johnson and passed with the following roll call vote:

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

RESOLUTIONS

**Resolution 2012137
Payment of Vouchers; Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the month of November 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 20121380 through 20121505 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 \$205,845.94, and, be it, further

Resolved, that voucher number 20121412 has a requirement to hold 10% on the base bid award of \$55,585.00, the Town Board hereby authorizes the amount of \$5,558.50 to be held and reduce the amount of the voucher accordingly.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2012139
Refund Performance Bond; Planning Board**

Whereas, on November 19, 2012, the Town of Pawling Planning Board took action on matters of the Old Town Barns, and

Whereas, the Planning Board voted unanimously to recommend to the Town Board to release of the Performance Bond posted by Old Town Barns in the amount of \$10,400.00, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Town of Pawling Planning Board on matters pertaining to Old Town Barns and releases the Performance Bond in the amount of \$10,400.00 and authorizes the Bookkeeper to refund said amount.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2012140
Refund Escrow; Planning Board**

Whereas, on December 3, 2012, the Town of Pawling Planning Board took action on matters of Regina Behler and Rogder Stable, and

Whereas, the Planning Board voted unanimously to recommend to the Town Board the release of Escrow Accounts in the amount of \$600.00 for Regina Behler and \$2,500.00 for Rodger Stable, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Town of Pawling Planning Board on matters pertaining to Regina Behler and Rodger Stable and releases the Escrow amounts of \$600.00 & \$2,500.00 accordingly and authorizes the Bookkeeper to refund said amounts.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2012141 PULLED
Award of Bid – Backhoe**

Whereas, the Town of Pawling advertised for a Request For Proposal (RFP) for a Backhoe for the Town of Pawling, and

Whereas, the Bids were opened by the Town Clerk on December 7, 2012 at 10:00am, now, therefore, be it

Resolved, that the RFP for a Backhoe for the Town of Pawling based on the tabulation sheet provided by the Town Clerk is hereby awarded to _____ in the amount of _____ having met all of the specification associated within the Request For Proposal.

**Resolution 2012142
Award of Bid – Computer Hardware**

Whereas, the Town of Pawling advertised for a Request For Proposal (RFP) for Computer Hardware for the Town of Pawling, and

Whereas, the Bids were opened by the Town Clerk on December 12, 2012 at 10:00am, now, therefore, be it

Resolved, that the RFP for Computer Hardware for the Town of Pawling based on the tabulation sheet provided by the Town Clerk is hereby awarded to Sullivan Data Management in the amount of \$28,453.21 having met all of the specification associated within the Request For Proposal.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly said the bid was opened today and the Town Clerk sent an email to everyone with the numbers. There was only one company who bid and the bid was for \$28,453.21. This is for all of the new hardware needed at Town Hall to upgrade the current system.

Councilman Johnson asked if this included the off site backup.

Supervisor Kelly said this includes the in house and off site backup as the Board requested. There are additional amounts he can sign agreements for with Sullivan Data Management as the Town's normal IT Company.

Councilman Upham asked why there was only one bidder.

Supervisor Kelly said he thought it was because the bid was for specific equipment and most likely length of time, it was not a 30 day bid, it was a shorter period of time but it was site specific on the equipment.

ROLL CALL VOTE ON RESOLUTION 2012142:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “ABSENT”

Supervisor Kelly – “AYE”

Resolution 2012143
Transfer Station Permit Fees – 2013

Whereas, the Town of Pawling operates a Solid Waste Transfer Station in coordination with the Superintendent of Highways, and

Whereas, the Town Board must set the fees for each year, now, therefore, be it

Resolved, that the Town Board hereby sets the Transfer Station Fees for 2013 at \$290.00 per first vehicle and \$10.00 for each additional vehicle.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Councilman Johnson asked why no increase was suggested.

Supervisor Kelly said in the budgetary process, the Town had actually received more money in revenue from sticker sales because Constables were at the Transfer Station.

Councilman Johnson reminded everyone that the Town has a truck that is beyond aged, is in need of many dumpsters, is in need of a new compactor and there is no reason not to, every year, increase the fee by \$10.00 or \$20.00. This is still far below what people pay to have garbage pick up at their house.

Councilman DeRosa felt the Board should think about a commercial rate too.

Councilman Johnson said that can be done at any time as commercial dumping is not allowed now.

Councilman DeRosa said he understood it was the eleventh hour but felt the Town needed to go to a more expanded schedule of fees and try to entice commercial people to come in if they pay the right price.

Supervisor Kelly said the Board had a discussion about this months ago and received information from the Board's Legislative Aide on what other municipalities have done with their garbage situation. He understood that at the beginning of the new year, the Board needs to discuss this to see what will be done by the end of next year.

Councilman Johnson said that discussion ended when the Board felt that with the current program, with monitoring and so forth, the Transfer Station could be operated at a self sustaining level. If you don't increase the fees every year, it is not going to be self sustaining.

Councilman DeRosa said and the Board should look for other revenue that the Town doesn't already have.

Councilman Johnson said should it go up to \$300.00, he felt yes, at the very least. He said \$300.00 isn't much of an increase and it is still a bargain.

Councilman DeRosa said he knew of businesses that would jump in if there was a business rate instead of paying monthly to get their garbage picked up at their business.

Councilman Johnson said the problem is that you would now accept commercial dumping. Even if you charge \$1,000.00 and the guy fills up every week with a dump truck, it could end up going backwards.

Councilman DeRosa said you can limit that with the gross weight of the vehicle.

Councilman Johnson said he was afraid that if you did commercial, you would have to go to a scale and at that point, it might make more sense to partner with a refuse company.

AMENDMENT TO RAISE FEES FOR 2013 TRANSFER STATION FEES

Following further discussion, Councilman Johnson introduced an amendment that the Transfer Station permit fee is raised to \$300.00 and \$15.00 for each additional vehicle, with the additional \$10.00 and the additional \$5.00 for the additional vehicle being put into the equipment fund, seconded by Supervisor Kelly.

Supervisor Kelly said the Town is losing revenue due to people taking metal from the Transfer Station. He would like to put up signs that say "No Picking".

The Board agreed.

The motion passed unanimously on the amendment and the vote on the resolution was as follows:

ROLL CALL VOTE ON RESOLUTION 2012143:

Councilman Johnson – "AYE"

Councilman Upham – "AYE"

Councilman Upham – "AYE"

Councilman Montemarano – "ABSENT"

Supervisor Kelly – "AYE"

Supervisor Kelly said the next meeting will be on December 28, 2012 at 9:00 AM. This will be an end of year business meeting to do budget transfers.

KELLY

Supervisor Kelly said in the State requirements, members of Planning and Zoning Boards have a requirement to do continuing education. The Town currently has a member of one of their Boards who for two years, has not fulfilled this requirement. The person was notified at the beginning of 2012 that they had to meet this requirement and have not done so. This person has another year on their term. He felt a letter should be sent from his office or the Town Board saying this is unacceptable. The requirement is four hours per year. He would like to make a motion terminating this person from the Board as of 12/31/2012, for lack of education.

Councilman Johnson said if the person feels strongly differently about this, they can contact the Board before the January reorganizational meeting.

Councilman Upham said the person was notified in 2011 and 2012.

The motion to send a letter to this person saying they are terminated from the Board for lack of education as of 12/31/2012 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly said in the adopted 2012 Holiday Schedule, December 24th is a day where the Town employees are given off but this is not a negotiated day off in the Teamsters contract. He felt the Teamsters should be given that day off, which would mean closing the Transfer Station.

Supervisor Kelly made the motion to allow the members of the organized Teamsters 456 to be off December 24th as part of the normal employees, seconded by Councilman Johnson.

Councilman Johnson asked what would happen if there was a snow storm, would the employees get over time.

Highway Superintendent John Daley said yes.

Councilman Johnson said the Board could make their resolution with a contingency that if they have to work that day, it is considered a normal workday and there would be no over time. He had no issue giving the employees the day off but he did not want it to cost the Town extra.

Councilman Johnson introduced an amendment saying if emergency conditions require the highway employees to work during what would have been normal business hours, it will be at straight pay, seconded by Supervisor Kelly.

Councilman DeRosa said he agreed with this entirely and that the highway employees stepped up this year and did an excellent job and deserved this.

The amendment on the motion passed unanimously.

The motion to allow the highway employees to be off on December 24, 2012 passed unanimously.

JOHNSON

Councilman Johnson said the Pawling Dam Committee got together last week to review a number of Emergency Access Plan's (EAP) for Town dams. Several topics kept coming up, one of which is that the Town is not a regulatory agency and they cannot tell people what to do, that would ultimately be up to NYS DEC. They also felt that some of the forms coming to the Supervisor's attention require that they be reviewed and then signed. He felt the coding needed to be standardized and the Committee felt that NYS DEC needed to have its own EAP but it needed to flow into the Town's model. There was also discussion about a template so that if another dam is built, there would be something to give the builder and save the engineering costs.

Councilman DeRosa felt the most important thing that was discussed was to standardize some of the EAP sections, like the notification systems and coding. He felt that the EAP should be standardized by NYS DEC for the entire State.

Supervisor Kelly said he appreciated the Committee coming together and looking at the EAP's. He has spoken to Committee members about this. The request he forwarded was for contact information, which is something that can be generic, updated information.

Following discussion, it was agreed that the Committee would draft a letter of recommendations to NYS DEC regarding the EAP's.

DEROSA

Councilman DeRosa said he has been in touch with Ed Munning regarding the Holmes Whaley Lake Civic Association building renovation, which is moving along. He said Mr. Munning would like to take down two pine trees near the dam and put up a gazebo.

Councilman Johnson said he didn't think that was the Town's property, he believed it was owned by the railroad.

Supervisor Kelly said he would look into this further to see if that area is owned by the Town.

LAKESIDE PARK REFINANCING

Supervisor Kelly said on Friday, he would be going to New York City to have a closing on the bonds. The new rate is 1.29% with \$773,000.00 in savings, \$70,000.00 per budget year. He thanked Jerry Terwilliger, Bookkeeper for all of his help and guidance on this. He thanked Town Clerk Cathy Giordano for all of her help keeping everything organized.

Councilmen Upham, DeRosa and Johnson thanked Supervisor Kelly for his work on the refinancing of the bond.

PUBLIC COMMENT

Highway Superintendent John Daley said the contract with Royal Carting for the Transfer Station is up at the end of next year so he will be discussing options for the Transfer Station with the Board in the beginning of next year. He said he has tried signage at the Transfer Station before but the signs were taken down. As far as equipment, the truck is 16 years old, the compactor is 24 years old and the loader is 39 years old. With his current budget, he can buy two tires for the truck per year and the truck has ten tires.

Councilman Johnson said the Board needs to have a serious discussion as to whether the Town will continue to operate the Transfer Station or would the Board look to have someone else operate it. He suggested if Mr. Daley needs equipment, he could look at how much money is taken in for the equipment part of the Transfer Station and possibly bond for needed equipment and have it self sustained.

Mr. Daley said he has dipped into that account for new containers. He would be talking to the Board about the Transfer Station in January.

Vinny DiMarco said he wanted to recap the Dam Committee meeting. The Committee reviewed the EAP's that were presented to them. The Committee wanted to know how making recommendations should work, should they be made to the Town Board or NYS DEC. The Committee wondered if they are exposing themselves to some kind of liability in making any recommendations. The Committee felt they needed better guidance from the Town Board and Supervisor's Office. The Committee is confused as to their responsibilities. The Committee felt NYS DEC should issue a standard format or form that an engineer should follow in preparing these documents. The Committee felt the most important thing would be to have a standard flow chart in the EAP's.

Supervisor Kelly said he would get together with members of the Committee and discuss these issues.

GIRLS CROSS COUNTRY TEAM COMMENDATION

The motion to authorize the Supervisor to make a presentation to the Girls Cross County Team at a later date was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

The motion to adjourn the meeting was made by Councilman DeRosa at 7:40 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk