

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM January 9, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 19 interested citizens.

**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 December 5, 2012 was made by Supervisor Kelly, seconded by Councilman Johnson and passed unanimously.

The motion to approve the minutes of December 12, 2012 was made by Supervisor Kelly, seconded by Councilman Johnson and passed with the following roll call vote:

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

The motion to approve the minutes of December 21, 2012, seconded by Councilman Johnson and passed with the following roll call vote:

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

The motion to approve the minutes of December 28, 2012 was made by Supervisor Kelly, seconded by Councilman Upham and passed unanimously.

**CONSENT AGENDA RESOLUTIONS**

**Resolution 2013038  
Pawling Joint Sewer Commission Budget for 2013**

Whereas, the Town of Pawling received a request from the Pawling Joint Sewer Commission to approve the 2013 budget, and

Whereas, the Pawling Town Board has reviewed the budget attached to the resolution, now therefore, be it

Resolved, that the Pawling Town Board hereby approves the Pawling Joint Sewer Commission Budget as follows; Revenues in the amount of \$605,333, Appropriations of \$514,870, Bonding Costs of \$90,463 for a total budget of \$605,333.

**Resolution 2013039 PULLED  
Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for 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 \_\_\_\_\_ through \_\_\_\_\_, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper and hereby authorizes payment of said vouchers for the Town of Pawling on this Date in the amount of \_\_\_\_\_.

**Resolution 2013040**  
**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 \$ \$13,659.95 for the period of October 2012 through December 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 2013041**  
**Appointment of Laborer – Part Time**

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 be involved in the day to day labor to complete such tasks, and

Whereas, the Building and Grounds Department has employed Elliott Ludington during 2012, now, therefore, be it

Resolved, that the Town Board hereby appoints Elliott Ludington to the position of Part Time Laborer for a period of 1/1/13 to 3/30/13 with a maximum working time of 312 hours.

**Resolution 2013042**  
**Appointment of Laborer –Permanent Part Time**

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 be involved in the day to day labor to complete such tasks, and

Whereas, the Building and Grounds Department has employed Trevor Wendover during 2010, 2011 and 2012, now, therefore, be it

Resolved, that the Town Board hereby appoints Trevor Wendover to the position of Permanent Part Time Laborer for a period of 1/1/13 to 12/31/13 at a maximum of 24 hours per week as set as part of the 2013 budgetary process.

**Resolution 2013043**  
**Employee Benefit – Aflac**

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 will fund 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 sign an agreement with Aflac to offer policies to the employee of the Town both Full & Part Time through payroll deduction at no cost to the Town of Pawling, and, be it, further

Resolved, that employees of the Town will be offered to sign up for such policies by the end of the first quarter of 2013 and then annually at the start of the next fiscal year. Newly hired Employees will be offered such policies upon hire.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**NON-CONSENT AGENDA RESOLUTIONS**

**Resolution 2013045  
Planning Board Restoration Bond**

Whereas, at the December 17, 2012 meeting of the Planning Board of the Town of Pawling the Planning Board took action on matters of the Natural State Research Site Plan on Route 22, and

Whereas, the Town of Pawling Planning Board recommended to the Town Board in a letter dated January 3, 2013, setting a Restoration Bond in the amount of \$26,800, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of the Town of Pawling Planning Board on matters pertaining to Natural State Research and sets a Restoration Bond in the amount of \$26,800.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2013046  
Appointment – Planning Board**

Whereas, the Planning Board of the Town of Pawling has a vacancy with an expired term that exists, and

Whereas, member Stanton Scherer has resigned effective 12/31/12, which said vacancy carries an unexpired term ending on 12/31/2013, and

Whereas, the Town Board had held interviews with prospective candidates in 2012 for the sole purpose of filling such a vacancy on the Planning Board, now, therefore, be it

Resolved, that Dr. Thomas Bloom was interviewed for prior openings of the Planning Board and has expressed interest in filling the remainder of the unexpired term of Stanton Scherer on the Planning Board, and, be it, further

Resolved, that Dr. Thomas Bloom's appointment will be effective on January 10, 2013 through December 31, 2013 and shall be compensated at a rate set within the adopted Town of Pawling Budget for each given year.

MOTION: Councilman DeRosa  
SECOND: Councilman Johnson

Councilman DeRosa congratulated Stan Scherer for serving the Town for so many years. He was a good member on the Planning Board and it was a shame to see him go. He welcomed Dr. Bloom to the Planning Board. Dr. Bloom is a resident of Fenwood Drive/Westwind Road.

ROLL CALL VOTE:

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

**Resolution 2013048  
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 Recreation Director has been contacted by individuals who desire to donate to the Town, and

Whereas, two residents have offered an upright Piano and an Air Hockey Table, now therefore, be it

Resolved, that the Town Board hereby authorizes the Supervisor to accept the donations by the above individuals who has offered to donation of goods or services to the town to benefit the residents of the Town, and, be it, further

Resolved, that the Supervisor's Office will send a letter thanking both Mr. Robert Cuthbert and Mrs. Diana Reilly for their generous donations to the Town.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2013049**  
**Waiver Request - Transfer Station**

Whereas, the Town of Pawling maintains a Transfer Station on River Road and is operated by the Transfer Station Manager, and

Whereas, the residents of the Town of Pawling are granted the right to use said Transfer Station by the purchase of a yearly permit, and

Whereas, there have been rejections of the sale of a permit for said Transfer Station use due to the tax payer not having a house or building on a taxable parcel, and

Whereas, the Supervisor's Office has been asked to resolve certain property owners ability to purchase and use of the Transfer Station, and

Whereas, under section 191-10 of Pawling Town Code, "The Town Board by resolution may promulgate rules and regulations of the Transfer Station",

Whereas, the Transfer Station Manager has been given the right to respond to said request by a Taxpayer for a Waiver of Purchase, now, therefore be it

Resolved, that the Town Board will review any and all written request from property owners to purchase a Transfer Station Permit and approve or deny at a Town Board meeting.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

Highway Superintendent John Daley said the person has received Transfer Station permits in the past and in the past the technology wasn't what it is today to research things so quickly and it has been allowed. So it has been past practice.

ROLL CALL VOTE:

Councilman Johnson – "AYE"                      Councilman DeRosa – "AYE"  
Councilman Upham – "AYE"                      Councilman Montemarano - "AYE"  
Supervisor Kelly – "AYE"

**Resolution 2013050**  
**Acceptance Petition – Sewer Line Extension**

Whereas, the Town of Pawling is an active member of the Pawling Joint Sewer Commission with the Village of Pawling operating a Sewage Treatment Facility on Corbin Road in the Village of Pawling, and

Whereas, within the Town of Pawling, certain property owners have discussed with local officials the potential of the development of a sewer line extension outside of the current Joint Sewer District, and

Whereas, the creation of a Special District would need to be evaluated for said sewer line extension, and

Whereas, the Town Board is in receipt of a signed petition from two property owners that have requested the development of a Map Plan and Report on a potential new sewer line extension district in the Town of Pawling, and

Whereas, the Town of Pawling’s Updated Comprehensive Plan from 2012, endorses the extension of the existing central sewer system to serve the areas noted within said petition, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby authorizes the development of a Map Plan and Report for the sole purpose of the potential formation of a Sewer Line Extension District within the Town of Pawling pursuant to the Petition as signed by Mr. John Gutleber, Jucca Company and Mr. Harry Truab, ESP Wexford Pawling, LLC, and, be it, further

Resolved, that the cost associated by the development of said Map Plan & Report shall be at the expense of said property owners and at no time shall the residents of the Town of Pawling fund such request, and, be it further

Resolved, that new Escrow accounts are set up with the Town of Pawling Bookkeeper solely for said purposes and no work shall commence until such time that both escrow accounts are funded by an amount set forth by Morris Associates, and, be it, further

Resolved, the Town Board hereby authorizes Morris Associates to develop the requested Map Plan & Report as defined in said petition and by the standards set forth in this resolution.

MOTION: Supervisor Kelly  
SECOND: Councilman Johnson

Councilman Johnson said he was excited this project has gotten to this point.

Supervisor Kelly said it will be approximately a 6 to 12 month time period to get the map, plan and report done.

Councilman DeRosa asked about a cost estimate on the map, plan and report.

Supervisor Kelly said he did not have an estimate yet but Morris Associates would get that to the Board as soon as possible. This has been a long time coming and it will be nice to move forward with it. The resolution has been reviewed by the Town Attorney and it is acceptable to him.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano - “AYE”

Supervisor Kelly – “AYE”

**FURTHER BUSINESS**

**HUDSON VALLEY DATANET, d/b/a LIGHTOWER FIBER NETWORKS**

Supervisor Kelly updated the Board on the proposed agreement with “Hudson Valley DataNet, d/b/a Lightower Fiber Networks” for the Town’s internet access. He negotiated upgraded service, keeping the lease amount the same for the term of the agreement, which is ten years.

The motion to authorize the Supervisor to enter into an agreement with Lightower for the added capacity and extension of the term of agreement was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**APPALACHIAN TRAIL**

Supervisor Kelly said regarding the Appalachian Trail Boardwalk, the Appalachian Trail Boardwalk Committee will give a presentation on an application to designate the Town of Pawling an Appalachian Trail Community. He will circulate the application to the Board when he receives it. It is a rare designation for a community to be designated an

Appalachian Trail Community. He said he would schedule the presentation for the February workshop meeting.

### **LOADER BACKHOE BID**

Councilman Montemarano made a motion to say that subsequent to the award of the bid for the "Loader Backhoe" last week, he and Highway Superintendent John Daley put a summary together of the bid evaluation process and would like to move ahead to include that in the file and put it on the record, seconded by Councilman DeRosa, motion passed unanimously.

Councilman DeRosa commended Councilman Montemarano for all of the work he has done on these bids because he saves the Town a lot of money. He appreciates it.

Supervisor Kelly agreed.

### **PAWLING WATER DISTRICT #2**

Councilman Johnson said about three weeks ago, there was an issue with well #4, which is a well that had been hydrofracked, the pump had burned out and he felt it was somewhat suspect that a bill was generated as he thought it would be covered under warranty. Apparently the well had cavitated, which is not a warranty item. The recommendation of Hyatt Pump Services is to install a "Pump Tech Plus" system, which is an \$850.00 system which will shut down the well if the pump is not pumping water. He would recommend doing that as it would save the district thousands of dollars. He has been working with the County to upgrade the system but he has been trying to hold back so as not to increase taxes. He has been working with Supervisor Kelly and the Environmental Facilities Corp., he believed he would be able to get some very low cost financing and re-bond the district and at the very least, drill the new well. He does have a report from Morris Associates outlining a prescribed path. He would like to shortcut that and use the area behind the current pump station to drill the new well. He felt a Request for Proposal (RFP) should be prepared to drill a new well and sent out in March and he will move forward with funding with the Supervisor.

The motion to authorize Councilman Johnson to engage the services of Morris Associates on behalf of the water district to proceed with the new well and automation and funding process of the district was made by Councilman Johnson, seconded by Supervisor Kelly.

Councilman Upham asked if the \$850.00 would be a one time expense.

Councilman Johnson said yes, as that would protect the existing pump.

Supervisor Kelly asked if water was brought in.

Councilman Johnson said yes because the pump burned out. The well is pumping 12 gallons per minute down from 33. The hydrofrack system was never completed because the hydrofrack system blew up in the well because there was a cavity that had existed. This is on borrowed time. He has pushed this along for all of the years he has been on the Board, keeping the district in water, keeping them in good clean water and trying not to spend money and keep the taxes level.

Supervisor Kelly expressed concern because the Town must supply water. He is almost inclined to rescind the motion and go forward with an emergency situation to drill a well.

Councilman Johnson said the Board is likely to have another meeting next week. He will find out how fast he can get an RFP out and the Board can make a decision next week.

The motion passed unanimously.

The motion to authorize the Supervisor to enter into an agreement with bond counsel for a B.A.N. at an amount as set forth by Morris Associates to meet the acceptable amount for this project was made by Supervisor Kelly, seconded by Councilman Johnson.

Councilman Montemarano asked if Councilman Johnson had an idea of what this could cost.

Councilman Johnson said not really but depending on the depth of the new well, it could cost \$50,000.00, \$60,000.00 or \$70,000.00.

Supervisor Kelly said there is a procedure that has to be followed and it needs to be started.

Councilman Montemarano said there are approximately 58 people in this water district and they will pay the cost of this. He asked if the B.A.N. is the most economical arrangement for them.

Supervisor Kelly said this is probably the best fiscal way to handle this right now. It will give the Town immediate cash and no payment due for one year. In that time, he is hoping to be able to make the application for the funding with the Environmental Facilities Corp. and refinance the current amount and new amount into a new note at zero percent.

Councilman Johnson said he wanted to keep the payment the same as residents are paying now or less.

The motion passed unanimously.

### **DEROSA**

Councilman DeRosa updated the Board on the Implementation Committee, saying they have completed the ordinance on woodstoves and have passed it on to the Planning Board. Once they are finished with it, he will give it to the Town Board for their review and then to the Town Attorney. There is still a vacant spot on that Committee and he would like to get that filled. The Holmes Whaley Lake Civic Association renovation has begun and is moving forward. The occupancy must be reduced during construction and the thrift shop will be closed during construction. The Town has received the Community Development Block Grant to install an elevator in the HWLCA building so that project will be next. He is pleased with the progress.

### **PUBLIC COMMENT**

Vinny DiMarco said it is a pleasure to see the Board working the way that it does. The Board is interested and it shows in the way they think about issues and they get things done.

Dr. Sarker from Natural State Research thanked the Board for working with them and he looked forward to working with the Board for a long time.

The motion to adjourn was made by Supervisor Kelly at 7:35 PM, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk