

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM February 13, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 12 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 January 2, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

The motion to approve the minutes of January 9, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

The motion to approve the minutes of January 18, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

The motion to approve the minutes of January 23, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

RESOLUTIONS

Supervisor Kelly noted that there was a problem with the Bookkeeper's computer, therefore the abstracts will be produced after the meeting.

CONSENT AGENDA RESOLUTIONS

Resolution 2013053 Payment of Bills for the Town of Pawling

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers 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 20130001 through 20130156, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$551,851.08.

Resolution 2013054 Authorizing Billing for Pawling Water District #1

Whereas, Pawling Water District #1 bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$2,273.68 for the period of November 1, 2012 through January 31, 2013 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 #1.

Resolution 2013056
Appalachian Trail Community Designation

Whereas, the Appalachian Trail (A.T.) traces its roots to the 1920's and was designated America's first national scenic trail in 1968, and

Whereas, today through the efforts of volunteers, clubs and agency partners, the Appalachian Trail extends more than 2,175 mile from Maine to Georgia within a protected 250,000 acre Greenway, and

Whereas, towns, counties and communities along the Trial's corridor are considered an asset by A.T. Hikers and many of these towns act as good friends and neighbors to the Trail, and

Whereas, designation as an Appalachian Trail Community™ and participation in the program is designed to act as a catalyst for enhancing economic development, engaging community citizens as Trail visitors and stewards and helping local community members to see the Trail as an educational and environmental resource and asset, and

Whereas, the Town's application to seek this designation has support from New York Senator Greg Ball, New York Department of Environmental Conservation, Metro North Railroad, Dutchess County Tourism, Dutchess Land Conservancy, Pawling Chamber of Commerce, Pawling Community Foundation, Rotary Club of Pawling, Trinity- Pawling School, Pawling Central School District, Mizzentop School Pawling, Native Landscaping and Garden Center, Nature Conservancy, Pawling Nature Reserve of the Nature Conservancy, Oblong Land Conservancy, Pawling Resource Center, Parent Teachers Association; Pawling Middle & High School, Quaker Hill Civic Association, Mid-Hudson Trout Unlimited, Town of Dover Conservation, Town of Dover Recreation Department, Advisory Committee Deuell Hollow Conservation Association, Dover Union Free School District, Dover Knolls Development II, Crown Maple Syrup, LLC, Friends of Boyce Park Equestrians, Housatonic Valley Association, now, therefore, be it

Resolved, the Town of Pawling Town Board does hereby support the application to be designated an Appalachian Trail Community and to participate in said program.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

NON-CONSENT AGENDA RESOLUTIONS

Resolution 2013055
Budget Transfers

Whereas, budget transfers are needed from time to time for proper accountability, control and operation of a municipality's budget, now, therefore, be it

Resolved, that the Town Board hereby authorizes the following budgetary transfers:

Budget transfers are affixed to the end of these minutes.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Jerry Terwilliger, Town Bookkeeper, gave the Board an overview of the budget transfers, saying the transfers were mainly within departments. The transfers are to make all accounts positive for the final report.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2013057
Tax Certiorari - Verizon**

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Verizon New York, Inc. for tax year 2012, and

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

Resolved, that the Pawling Town Board hereby accepts the recommendation of the Town Assessor and Counsel to settle the matter of a Tax Certiorari with Verizon New York, Inc. and be it further

Resolved, that the assessments on all parcels included; 9999-01-000000-0001, 7505-17-074024-0002 & 9999-01-000000-002 to be reduced in value within as recommended by the Assessor and Counsel.

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 2013058
Tax Certiorari – Sylvester**

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Michael Sylvester and Rosemarie Sylvester for tax year 2012, and

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

Resolved, that the Pawling Town Board hereby accepts the recommendation of the Town Assessor and Counsel to settle the matter of a Tax Certiorari with Michael Sylvester and Rosemarie Sylvester and be it further

Resolved, that the assessments on parcel # 134089-7057-00-864937 to be reduced in value within as recommended by the Assessor and Counsel.

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 2013059
PDD Petition – JUCCA**

Whereas, the Town Board received a petition of the Jucca Group requesting changes to certain Zoning requirements of the Planned Development District (PDD), and

Whereas, upon receipt of the petition the Town Board requested the Planning Consultant to review said petition and return with comments, and

Whereas, recommendations made by the consultant were forwarded to the Town Board and Planning Board for review, and

Whereas, the Planning Board met over several regularly scheduled meeting dates to discuss the Petition and the consultant’s response, and

Whereas, at a Joint Meeting of the Town Board and Planning Board on January 23, 2013, the boards discussed the petition and comments by both the Consultant and the Planning Board, and

Whereas, as a result of the discussion, a letter dated January 29, 2013 was forwarded to the Town Board, Planning Board and the Petitioner by the consultant, and

Whereas, the Planning Board met on February 4, 2013 and released an additional opinion letter based on the January 29, 2013 comments now, therefore, be it

Resolved, that the Town Board acknowledges receipt of the Planning Board comments made on the January 29, 2013 letter and hereby requests to move forward with discussions with the petitioner based on the comments of the consultant of the January 29, 2013 comment letter; and be it further

Resolved that the Planning Board is hereby granted an extension on the timeline for response to the referral from the Town Board until such time as they have reviewed a revised submittal by the petitioner including a revised zoning amendment and Full Environmental Assessment Form (Full EAF) and other information requested in the January 29, 2013 review letter.

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

Councilman DeRosa said he appreciated the Planning Board working hard getting their response back to the Town Board. The approval of this final letter puts the ball in the applicant’s court and the process can continue.

Supervisor Kelly thanked everyone, including Liz Axelson from Morris Associates.

Councilman Montemarano asked if the latest correspondence from the Planning Board had been provided to the applicant yet.

Supervisor Kelly said they have not but they will be provided it.

Councilman Upham asked if the Planning Board is waiting to hear from the Castagna group.

Ms. Axelson said the Planning Board has done a lot of work. It was sort of an early review because it is a little early for them to issue a report. All of the work that has been done has made this more agreeable, to the extent that is possible to both Boards. With the lower residential density that is in the revised zoning amendments, there is less

environmental impact. She felt there was a lot of forward progress. In regard to the next steps, the next step is for the applicant to put together some of the requested information and resubmit it and we can take a look at it as quickly as we can. The next step would be for the Town Board to officially initiate the SEQRA review and give the Planning Board a time line for reviewing the revised materials.

Councilman DeRosa said when the PDD was first created, there was an environmental review during that process. There was a second environmental review when Castagna went through site plan review.

Ms. Axelson said that is correct. She would imagine that when they come back with their environmental review, the full Environmental Assessment Form (EAF) could refer to those environmental review procedures and the information that came out in those environmental reviews. Her impression from the changes that were made was that they have been generally agreed to by both Boards. There is not going to be a huge increase in building coverage on site.

Councilman DeRosa said a lot of the environmental concern was in regard to the commercial side of the development and how it related to the Village. There was a lot more than just residential that was dealt with.

Ms. Axelson said that is correct.

Supervisor Kelly said for the Board's knowledge, there was a conference call yesterday which lasted about an hour and twenty minutes with members from Jucca, Pete Setaro & Liz Axelson from Morris Associates and himself. Discussed were the 43 questions at length, some points were agreed upon and some were not. The group knows where we all stand moving forward and they know that passage of this resolution will allow the letter to be sent to them for their comments.

Ms. Axelson said one point for the Town Board to consider is in the event the applicant has questions, should they go through the Supervisor's office or can they go directly to her.

Supervisor Kelly felt the applicant should contact Ms. Axelson directly by email or phone and keep the Board apprised of what is going on.

Ms. Axelson agreed.

ROLL CALL VOTE ON RESOLUTION 2013059:

Councilman Johnson – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

FURTHER BUSINESS

AMBULANCE SERVICE/MUTUAL AID AGREEMENT

Supervisor Kelly said regarding the Town's ambulance service and the contract the Town has with Transcare, last week, the ambulance went to a few towns to the north for patients, which takes the unit out of Pawling and away from Pawling residents who pay the \$300,000.00 annual fee. He has expressed concern to E911 about this and not having Pawling's unit going out to any other municipality that cannot reciprocate with like services, which would be an Advanced Life Support Unit (ALS). He said E911 is working on a new mutual aid plan and what will be looked at next year is that if a municipality cannot reciprocate with like services, a unit will not be dispatched. The current law reads that as long as you are in the mutual aid plan, services are shared. He will continue to work with E911 to get the language changed and also work with the Legislature to get the language changed.

PROPOSED WOODSTOVE ORDINANCE

Councilman DeRosa gave the Town Board a copy of the proposed Woodstove Ordinance. He would like the Board to give the go ahead on it so that he can give it to the Town Attorney. Once approved by the Town Attorney, the formal process of adopting it can begin including public hearings and notification to Dutchess County.

Following discussion on the proposed woodstove ordinance, including acreage, setbacks, etc., the following motion was made:

The motion to have the Town Attorney review the wording regarding inclement weather/months of operation, Section 6(e) was made by Councilman DeRosa, seconded by Councilman Johnson, motion passed unanimously.

WHALEY LAKE DAM

Councilman DeRosa said he and Supervisor Kelly have been working with the neighbor to the north of the Whaley Lake Dam, Adams, to gain access to the dam through that property. An appraisal has been done on the property.

The motion to authorize the Supervisor to enter into negotiations with the owner of the property to the north in order to finalize better access to the dam to move the project forward was made by Councilman DeRosa, seconded by Councilman Johnson.

Vinny DiMarco, Whaley Lake Dam Committee Member, said he agreed with the motion to authorize the Supervisor to enter into negotiation with the property owner to proceed with the purchase of the property. The property is needed to improve access to the dam and also needed as a staging area. The Committee agrees with going forward with the acquisition of the property.

The motion passed unanimously.

PUBLIC COMMENT

Vinny DiMarco said regarding the proposed wood stove ordinance, he appreciated the comments made by the Board. The newer models are beautiful appliances. He believed people should have an alternative to fuel and he felt the restrictions the Board was imposing were great and really show concern for the neighbors. He hoped the Board would not make it impossible for people to have outdoor wood stoves.

Stephen Sollazzo said at last week's meeting, there was talk of interior decorating. He suggested the Board looked at putting together a list of what is needed to improve the bones of the buildings before interior work is done. He understood that the buildings needed windows and there are a number of energy efficient alternatives for windows and doors. He suggested a "scope of work" be put together and work could be done as listed in the document.

The motion to adjourn was made by Supervisor Kelly at 7:30 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk