

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM April 3, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 10 interested citizens.

EXECUTIVE SESSION

The motion to enter Executive Session was made by Councilman Johnson to discuss potential litigation at 7:02 PM, seconded by Supervisor Kelly, motion passed unanimously.

The motion to return to the regular order of business was made by Councilman Johnson at 7:35 PM, seconded by Supervisor Kelly, motion passed unanimously.

Supervisor Kelly said the Board met with its attorney to discuss potential litigation and no determination was made at this time.

RESOLUTIONS/MOTIONS/DISCUSSIONS

The Board discussed the proposed resolutions. Following discussion, it was agreed that resolutions 2013069, 2013070, 2013071, 2013072, 2013073, 2013074, 2013075, 2013077, 2013078, 2013079 and 2013081 would be placed on the April 10, 2013 Town Board meeting agenda.

The Board decided to move forward with Resolutions 2013076 and 2013080 as follows:

**Resolution 2013076
Waive Fees- Planning Board**

Whereas, the Town of Pawling Planning Board is reviewing an application for a 2 lot subdivision, and

Whereas, the Town Board will be acting on behalf of the owners of the property; Mr. Vince Adams and Ms. Susan Vitro in making an application to the Planning Board for such subdivision, and

Whereas, the Town Board, on behalf of the Whaley Lake Dam District, have expressed an interest to the current owners in purchasing 18.79 acres of land for future access to the Whaley Lake Dam property, and

Whereas, the owners have accepted the offer to purchase the parcel of land, 18.79 acres after the subdivision is made final and all maps / plans are filed with Dutchess County Real Property Department, and

Whereas, in the best interests of the residents of the Whaley Lake Dam District, the Town Board should consider waiving all fees associated with filing an application with the Planning Board, now, therefore, be it

Resolved, that the Town Board hereby waives any and all fees associated with the Adams/Vitro 2 lot subdivision to benefit the Whaley Lake Dam District.

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 2013080

**1996 Clean Water/ Clean Air Bond Act-Title 3 Section 56-0311
Dam Safety Projects**

Whereas, the Town of Pawling herein called the “Municipality” after thorough consideration of the various aspects of the problem and study of the available data, has hereby determined that certain work, as described in its application and attachments, herein called the “Project”, is desirable, is in the public’s interest, and is required in order to implement the Project, and

Whereas, Article 56 of the Environmental Conservation Law authorizes State assistance to municipalities for dam safety project by means of a contract and the Municipality deems it to be in the public’s interest and benefit under this law to enter into a contract therewith, now therefore, be it

Resolved,

- 1) That David P. Kelly; Town Supervisor or such person’s successor in office, is the representative authorized to act on behalf of the Municipality’s governing body in all matters related to State assistance under ECL Article 56, Title 3. The representative is also authorized to make application, execute the State Assistance Contract, submit project documentation, and otherwise act for the Municipality’s governing body in all matters related to the Project and to State Assistance;
- 2) That the Municipality agree that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project’s field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;
- 3) That one (1) certified copy of this Resolution be prepared and sent to the Albany office of the New York State Department Environmental Conservation together with the *Application for State Assistance Payments*;
- 4) That this Resolution takes effect immediately.

Supervisor Kelly said Resolution 2013080 is something that is required by NYS DEC and something that should have been done in late 2000 by the Town Board basically accepting that there is a project that deals with article 56 of the Environmental Conservation Law/Clean Water/Clean Air act. This project is the Whaley Lake Dam project and it deals with the \$250,000.00 and \$750,000.00 award from NYS under the 1996 Clean Water/Clean Air Act for the rehabilitation of Whaley Lake.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

OTHER BUSINESS

VOLUNTEER NON-PROFIT ORGANIZATION/GROUP FORM

Councilman Montemarano said he circulated a draft application for Volunteer Non-Profit Organization Group. The Town’s insurance agent and Town Attorney have reviewed it

and approved it and he would like to ask that the Board move to approve it, seconded by Supervisor Kelly.

Councilman Upham thanked Councilman Montemarano for all of his work on this project.

Supervisor Kelly thanked Councilman Montemarano, Emery & Webb and Town Attorney Terry Stewart for all of their work on this.

Councilman Montemarano asked if it was okay to move ahead and offer the form on the Town website and Town Clerk's office.

Supervisor Kelly said that would be good.

The motion passed unanimously.

CHANGE TIME OF HIGHWAY WORKER ON MONDAYS

Supervisor Kelly said Highway Superintendent John Daley has requested that one of his highway workers who drives the roll off truck change his shift time on Mondays only. The change is to 6:00 AM to 2:30 PM and there is an amendment to the contract that needs to be signed for this change. Counsel recommended the Board weigh in on this.

Highway Superintendent Daley said the Town can now take the recyclables to Wingdale instead of Hopewell but to do that, they have to be there before 7:00 AM. He spoke to the highway workers, the Union and Supervisor Kelly and everyone is in agreement with it. It saves approximately 70 miles per week. He is also taking the cardboard to Southeast Auto who is buying it for approximately \$60.00 per week.

The motion to authorize the Supervisor to sign the agreement with Local 456 in the Town of Pawling in reference to the Transfer Station was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

WOOD BURNING FURNACES

Councilman DeRosa said regarding the wood burning furnaces, this has been discussed and reviewed by the Town Attorney. It has been corrected and the chapter and proper numbers have been added.

Councilman DeRosa made a motion to prepare the wood burning furnace for circulation and set a public hearing.

Councilman Johnson asked if any changes had been made.

Councilman DeRosa said the date of operation has been changed from April to May 1st.

Councilman Johnson asked if this could be circulated among the Board and be put on the agenda for next week.

Councilman DeRosa agreed.

Councilman DeRosa rescinded his motion and said he would distribute the wood burning furnace proposal to the Town Board for review.

MAINTENANCE WORKER SEASONAL POSITION

Wendel Weber, Supervisor of Buildings/Grounds said he would like to move Trevor Wendover from 24 hours to 40 hours for the seasonal position, to begin next week.

The motion to authorize the seasonal laborer position to go to 40 hours for the next 26 weeks, to begin Monday, April 8, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

BOARD MEMBER REPORTS

KELLY

Supervisor Kelly said the project to access the Whaley Lake Dam is happening. He thanked Councilmen Johnson and DeRosa, and Vinny DiMarco and the Whaley Lake Dam Committee for all of their help on this project. It is nice to see this project moving

forward. Supervisor Kelly said for the Board's information, Dutchess County Risk Management, who handles the Town's Workman's Compensation policy, has changed their procedure to all online filing that has to be done. He sent Todd Bender, Legislative Aide and Kelly O'Rourke, Building Department Secretary to the County to review these changes and he has made Ms. O'Rourke the single point source for putting in all of the information as she has been doing Workman's Comp for years. Supervisor Kelly said he attended a Supervisor's & Mayor's meeting last night at which three issues were discussed. One was a presentation regarding purchasing inexpensive energy, the second was central purchasing through the County and central printing through the County. Supervisor Kelly said the Pawling Joint Sewer Commission (PJSC) is undertaking a generator project where every pump station, except West Main St., will have a propane generator on site. West Main St. will have a temporary portable unit at that location. Regarding the potential sewer line expansion down Route 22, Jucca Company (Castagna) has been looking at flows in the East Main St. line. The engineer for the sewer commission has deemed that to use the East Main St. line might not be viable. Supervisor Kelly said he attended a meeting at Crown Maple Farm, where the County Executive presented his State of the County Address. He suggested people visit Crown Maple Farm if they have a chance as it is an extraordinary process. Supervisor Kelly said the East of Hudson Executive Committee is meeting on a monthly basis and there will be approximately 140 projects in the ground by the end of the year. A drainage project on Overlook Drive in Pawling will be one of the projects so every bit of money spent on that project will be paid for by NYC DEP as this area is in the watershed. Supervisor Kelly said Rebuild Together for Dutchess County has new applications on their website and they would love to discuss a potential project in Pawling. If anyone has any ideas for a project in Pawling, they should bring it forward. The senior picnic will be on Wednesday, August 14th at Boyce Park in Wingdale, all are welcome to attend. Supervisor Kelly said Senator Ball is again doing the third Annual Veteran's Hall of Fame so if anyone knows of anyone they would like to nominate, please let him know. Supervisor Kelly said Senator Ball is again doing the Women of Distinction Celebration so if anyone knows of a nominee, let him know.

JOHNSON

Councilman Johnson said the golf carts are at the golf course and Mr. D'Ottavio is anxious to get things going there, he is waiting for nice weather. Councilman Johnson said Sunday, April 14th is the pancake breakfast hosted by the Interact Club and he urged everyone to attend as it is for a good cause. Councilman Johnson announced that the 26th Annual Pawling Triathlon will be on June 1st. He went over all of the programs for teens that the Triathlon supports and said the Town has a wonderful Recreation Department staff to thank for all of these programs. The kids are doing the right thing by participating in these programs. Councilman Johnson said he received a letter from Morris Associates saying that the County approved the Town's rehabilitation plan for Pawling Water District #2 and he has been speaking with Supervisor Kelly about funding. He believed the Town would do a B.A.N. for one year and then re-bond it, hopefully incorporating all of their existing debt to potentially limit/reduce their outstanding monthly obligations. Councilman Johnson said as Supervisor Kelly mentioned they worked on the acquisition of the 18 acres for the access to the Whaley Lake Dam, which will now allow that project to move forward. Councilman Johnson said Chief Constable Mike Kelly will be gearing up at the parks as the weather gets better. Councilman Johnson said there will be a meeting this Friday with Rob Kelly from Pawling Cycle & Sport to help him to be able to pull off his big event. It is something the community welcomes and he felt there was a misunderstanding of fees and things and hopefully this meeting will put everything out there.

DEROSA

Councilman DeRosa said he attended a Dutchess County Water Wastewater Board of Directors meeting on March 20th. The DCWWA exercised the hardship funding for the Shorehaven Water District and this could possibly be done for PWD #2, which is a zero interest loan. The work on the Shorehaven Water District is continuing and going in a positive direction. Councilman DeRosa said the Implementation Committee met last Tuesday and had an informational meeting on the historic inventory and mapping of

historic resources. The Committee will have another meeting with Julian Adams from the State Historic Preservation Office, who will show them how to create a historic district. He is hoping more residents and stakeholders would get involved in the process. Councilman DeRosa said he and Councilman Montemarano met with Nancy Tanner at Murrow Park. Mrs. Tanner gave them a lot of history and ideas about the park. There are some things that need maintenance and he would like to clean up Murrow Park so it can be used. Councilman DeRosa said the Holmes Whaley Lake Civic Association renovation is coming to an end. The contractor should be done in about a week or so. He and Councilman Montemarano will meet with Curt Johnson from Zarecki & Associates to work on the CDBG for the elevator.

MONTEMARANO

Councilman Montemarano said he, Wendel Weber, Supervisor/Buildings & Grounds and Councilman DeRosa would be assessing the windows in town hall and coming up with some budget numbers. Councilman Montemarano said he would be preparing for the basketball court renovation this week. Councilman Montemarano felt it was time to catch up on deferred maintenance at Murrow Park, it has become a jungle over there. He did not think it would cost a tremendous amount of money, it just needs to be cleaned up. He suggested getting a volunteer group to help with this clean up in early spring. Councilman Montemarano said he should have his review of the Employee Handbook done by the end of the week and he would get it out to everyone.

UPHAM

Councilman Upham said he has been speaking with William Tatum, Dutchess County Historian, who is a very helpful man. Mr. Tatum sent him to Melody Moore, who had actually led the historic district for Rhinebeck. There were ten or twelve citizens at the last Implementation Committee meeting last week. The door is open to any citizen who wants to help on the historic work.

PUBLIC COMMENT

Vinny DiMarco said the Board is doing a wonderful job and if he can help in any way doing the volunteer work at the park, he would be happy to help. He thanked the Board for the progress that was made on the purchase of the Adams land, he is very excited about the progress. He thanked the Board for passing Resolution 2013080 as it will save the residents in the taxing district money.

Bob Marvin, attorney representing Elm Street Partners, asked if the opportunity to discuss the pending sewer district expansion application that was filed in December could be added to next week's agenda. His client has some concerns about the proposed tenancy agreement that has been submitted to the Pawling Joint Sewer Commission for the Castagna property and how that might impact ultimately the creation and utilization of the sewer district. They would like the opportunity to have this added to the agenda next week and discuss it with the Board. He submitted a letter asking for the matter to be added to the April 10th agenda.

Supervisor Kelly asked Mr. Marvin to meet and discuss this with him. Supervisor Kelly said Mr. Marvin's client did file a petition to move forward with the district and with that was paying an associated escrow account and they have yet to do that. He has made numerous attempts to Elm Street to collect those funds so the Commission can move forward with the map, plan and report and they have yet to do that.

Mr. Marvin said he was aware of the fact that the escrow account has not been funded but he did not have all of the details yet and felt that was one of the things that would likely be discussed.

Supervisor Kelly said he would get together with Mr. Marvin and report back to the Board.

The motion to adjourn the meeting was made by Supervisor Kelly at 8:15 PM, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly made a motion to go back into the regular session of business at 8:16 PM, seconded by Councilman Upham, motion passed unanimously.
Supervisor Kelly made a motion that the Board enter into a legal matter that deals with the asbestos abatement at Lakeside Park and file claim, seconded by Councilman Johnson, motion passed unanimously.

The motion to adjourn the meeting was made by Supervisor Kelly at 8:17 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk