

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM April 10, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 30 interested citizens.

COMMENDATION: MAEVE WILLIS

Supervisor Kelly said on the agenda tonight was the presentation of a Commendation for Maeve Willis for her Girl Scout Silver Award Project, which is the highest award a Cadet can earn. He read excerpts from a letter submitted by Jennifer Panzer, thanking the Town Board for acknowledging Maeve Willis and documenting the work Ms. Willis did on this project. In her letter, Mrs. Panzer thanked Ms. Willis for all of her work on this project and for her current and future efforts.

Ms. Maeve Willis was present to accept the Commendation, along with her family. Supervisor Kelly and the Board presented Ms. Willis with the following Commendation:

COMMENDATION

Whereas, the first Girl Scout Troop was organized on March 12, 1912, and,

Whereas, today there are 3.2 million Girl Scouts consisting of 2.3 million girls and 890,000 adult members of which Maeve Willis has been a part of for six years, and,

Whereas, in an effort to obtain the Girl Scout Silver Award, the organization's highest honor for a Girl Scout Cadet, Maeve Willis undertook the enormous task of marking seven miles of trails at Lakeside and Murrow Parks in the Town of Pawling, and,

Whereas, this project involved the placing of six hundred trail markers and sixteen trail posts with the assistance of four additional scouts and four adult volunteers, working for approximately seventy-three hours, and,

Whereas, through the motivation and dedication of Maeve Willis, the Town of Pawling now has one of the most travelled series of properly marked trails in Dutchess County, now therefore be it

Resolved, that the Town of Pawling hereby recognizes Maeve Willis for completing this undertaking and earning the honor of Girl Scout Silver Award.

Ms. Willis thanked Jennifer Panzer for helping her through the trails and donating her time to help with this project. Without her, it wouldn't have been possible. Ms. Willis also thanked Justin Scavone, Eagle Scout for donating the remainder of the money that was left over from his project to help fund her project.

The Town Board thanked Ms. Willis for all of her hard work on this project.

CONSENT AGENDA

**Resolution 2013069
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 20130291 through 20130398, 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 \$222,957.12.

Resolution 2013070
Authorizing 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 \$ 14,190.55 for the period of January 1 through March 31, 2013 by the Water District Clerk, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the billing as recommendation for Pawling Water District #2.

Resolution 2013071
Tax Certiorari

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Amanda C. Coley LA Cushman Trust 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 Amanda C. Coley LA Cushman Trust and be it further

Resolved, that the assessments on all parcels included; 134089-6956-01-182993-0000 to be reduced in value within as recommended by the Assessor and Counsel.

Resolution 2013072
Tax Certiorari

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Mont Pine, LLC for tax years 2011 & 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 Mont Pine, LLC and be it further

Resolved, that the assessments on all parcel # 134001-7057-17-236132-0000 to be reduced in value within as recommended by the Assessor and Counsel.

Resolution 2013073
Tax Certiorari

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Dutchess Court Plaza LLC fka Dutchess Plaza Management Corp. for tax years 2011 & 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 Dutchess Court Plaza LLC fka Dutchess Plaza Management Corp. and be it further

Resolved, that the assessments on all parcel # 134089-7056-00-445030-000 to be reduced in value within as recommended by the Assessor and Counsel.

Resolution 2013074
Tax Certiorari

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Willow Lake Estates Property Owners Association, 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 Willow Lake Estates Property Owners Association, Inc. and be it further

Resolved, that the assessments on all parcel # 134089-6856-00-545647-0000 to be reduced in value within as recommended by the Assessor and Counsel.

Resolution 2013075
Tax Certiorari

Whereas, a tentative settlement has been agreed to between the Town of Pawling and Manufactures and Traders Trust Company for tax years 2012- 2013, 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 Manufactures and Traders Trust Company and be it further

Resolved, that the assessments on all parcel # 7056-00-517121-0000 & 7056-00-561152-0000 to be reduced in value within as recommended by the Assessor and Counsel.

Resolution 2013078
Release - Planning Board Escrow Account

Whereas, on April 1, 2013 the Town of Pawling Planning Board took action on matters of Old Town Barns, and

Whereas, the Planning Board recommends to the Town Board to accept the release of the Escrow Account Funds in the amount of \$1,983.60, and acknowledges the acceptance of Town Engineer's inspection.

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Pawling Planning Board on matters pertaining to Old Town Barns and releases the Escrow amount of \$1,983.60 and authorizes the Bookkeeper to refund the said amount.

Resolution 2013079
Release - Planning Board Escrow Account

Whereas, on April 1, 2013 the Town of Pawling Planning Board took action on matters of Christopher Proto, Patterpaws Hospital, and

Whereas, the Planning Board recommends to the Town Board to accept the release of the Escrow Account Funds in the amount of \$283.70, and acknowledges the acceptance of Town Engineer's inspection.

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Pawling Planning Board on matters pertaining to Christopher Proto, Patterpaws Hospital and releases the Escrow amount of \$283.70 and authorizes the Bookkeeper to refund the said amount.

MOTION: Councilman Johnson

SECOND: Councilman Upham

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

NON-CONSENT AGENDA RESOLUTIONS

Resolution 2013077

Award of Bid – Lawn Maintenance

Whereas, the Town of Pawling has advertised for a Request For Proposal (RFP) for Lawn Maintenance for the Town of Pawling, now, therefore, be it

Resolved, that the RFP for Lawn Maintenance for the Town of Pawling was opened by the Town Clerk on Thursday, March 28, 2013 at 10:00 AM, and based on the tabulation sheet provided by the Town Clerk, the bid is hereby awarded to Landwork Contractors from Cortlandt Manor in the amount of \$2,050.00 for the project associated with the referenced RFP.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Resolution 2013081

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 Towns own usage, and

Whereas, the Director of Recreation will receive requests 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:

Pawling Central School District

A.P Exams

May 6-16, 2013

**Daisy Girl Scout Party

Lathrop In/Out

May 5, 2013

(all above requests have been previously waived)

** - late request of the Recreation Director

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

MINUTES

The motion to approve the minutes of March 6, 2013 and March 13, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson.

Councilman DeRosa said he was not present at the March 6th meeting and said he would recuse himself.

Supervisor Kelly said he would address the minutes separately and rescinded his motion, seconded by Councilman Montemarano, and passed unanimously.

The motion to approve the minutes of March 6, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson, and passed with the following vote:

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

The motion to approve the minutes of March 13, 2013 was made by Supervisor Kelly, seconded by Councilman Montemarano, motion passed unanimously.

FURTHER BUSINESS

REMOVAL OF ROCKS/LAKESIDE PARK

Supervisor Kelly said the Board has received a Facilities Use Request from Mike DiVito to bring a small excavator onto the great lawn at Lakeside Park to remove some of the rocks in the playing field and to resurface the area and make it usable for the Soccer Club.

The motion to approve a Facilities Use Request and project by Mike DiVito at Lakeside Park was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

WHALEY LAKE DAM

Councilman Johnson said the Whaley Lake Dam Committee had a meeting based on correspondence from NYS DEC who is looking to move at a faster pace with the Town’s time schedule. The next step in the process, at the request of the Dam Committee, is to finalize the design phase, which requires Board authorization for expenditure of district funds.

The motion to authorize Fuss & O’Neil to continue to finalize the design and construction plans for the dam was made by Councilman Johnson, seconded by Councilman DeRosa.

Supervisor Kelly thanked the Dam Committee. This is a major step moving forward. NYS DEC was adamant about the schedule and wanted to amend the schedule.

Councilman Johnson said the pieces of the puzzle are starting to come together and there should be shovels in the ground before long.

Councilman DeRosa said the main thing is to keep on schedule in order to keep the funding alive, the million dollars in grants.

The motion passed unanimously.

DUTCHESS LAND CONSERVANCY

Supervisor Kelly said the Dutchess Land Conservancy currently owns land on the south end of Whaley Lake and they are interested in donating the property to the Town of Pawling. The Dutchess Land Conservancy would like rooftop boat access to this property written into the deed, so there would be no motorized boat access. They would like to have public access and they would like to discuss this with the Board and see if the Town wants to entertain it.

Following discussion, it was agreed that Supervisor Kelly and Councilman DeRosa would do a site visit, walk the site and discuss this with the Dutchess Land Conservancy. They will update the Board after that meeting.

SENIOR DAY CARE CENTER

Supervisor Kelly said the Town has been trying to bring back the Senior Day Care Center next door at the Legion Building. With help from Dutchess County and Senator Ball's office, there is money to bring the center back to Pawling two days per week. Dutchess County Office for the Aging would like to start this on May 9th.

The motion to authorize the Supervisor to enter into an agreement with Dutchess County Office for the Aging to return the Senior Day Care Center to the Town of Pawling, the Annex Building two days per week was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

HOMELAND CELL TOWER SITE

Supervisor Kelly said Liz Axelson, Town's Consultant from Morris Associates, is here tonight to give the Board an update on the Homeland Cell Tower site. Ms. Axelson has been working diligently with the Planning Board on the Homeland Cell Tower application. The Planning Board and Ms. Axelson have been researching potential alternate sites proposed for the cell tower. Most of the alternate sites deal with Town owned property so he felt it was pertinent for Ms. Axelson to have a quick discussion with the Board about why these sites were chosen.

Ms. Axelson gave an overview of some of the work that has been done during the Planning Board's review, saying the Planning Board needs to look at the visibility of the project and consider whether or not there are other sites that would be more suitable where the tower might blend in. Some of the criteria she looked at were larger sites, sites with high points and sites with high points where there would be exposure to Route 55 and toward the Village, which according to the AT&T Homeland folks, those are the spots that are blank. The Town's radio frequency engineer Ronald Graiff still does not have the information he needs to verify that there is a gap in coverage so that remains to be established. In the meantime, the Planning Board is marching forward on several fronts. One of them was to get the latest review letter with the list of alternate sites out so that the applicant can start looking at it. She understands that the applicant's representatives have been in contact with the Town's radio frequency engineer. She spoke with Christopher Fischer, attorney for the applicant, today who informed her that their team will be submitting information on all of the alternative sites on Monday. Then the Town's radio frequency engineer will start to look at that information and the information will be available to the Town Board. The applicant is requesting to be able to have some kind of an answer from the Town Board on the Town owned properties that are listed in her memorandum before the May 6th Planning Board meeting.

Councilman DeRosa asked if the Town's radio frequency engineer would have the information he needs to do the proper evaluation from the suppliers.

Ms. Axelson said she did not know yet.

Councilman DeRosa said without that information, the other information does not mean anything.

Councilman Johnson said if you are unsure about where gaps in coverage are, how can you begin to analyze other sites or any site.

Ms. Axelson said the applicant made an application to put the tower there. They still have to answer all of the comments made by the Town consultants. Her intent tonight is to give the Town Board any background information they need to begin to think about this.

Supervisor Kelly said the Town Attorney recommended the Board have a chance to speak with Ms. Axelson because of the length of time between Town Board meetings.

Councilman DeRosa said the applicant wants to know whether or not the Town Board is even interested in having a site like this on Town property. Speaking for himself, he would show interest, if it is a viable option, to have the Town get the revenue. If the need is proven, the tower is going to go somewhere and he would be interested in placing it on Town property.

Councilman Johnson said he is interested in getting more information.

Ms. Axelson said as far as she knows, the applicant is doing their analysis of alternate sites. There are other sites they should be looking at also. The Planning Board has not yet determined the application complete and has not yet initiated the SEQRA review, nor have they set a public hearing date. It is still early in the planning process.

Supervisor Kelly asked Board members to contact Ms. Axelson with any questions they might have.

GOLF COURSE

Councilman Johnson said in an effort to boost play, Tom D'Ottavio would like to advertise perhaps a \$2.00 discount on the golf round and a discount on the cart mid week.

The motion to authorize Councilman Johnson to make those discounts based upon what he sees as a need and assess it in an ongoing manner and perhaps eliminate it was made by Councilman Johnson, seconded by Councilman Upham, motion passed unanimously.

WOODBURNING FURNACE ORDINANCE

Councilman DeRosa said if everyone had a chance to review the document he sent them, he asked if a public hearing could be set and circulation to begin if the Board pleases.

Councilman Johnson asked if Councilman DeRosa would be making the change about existing furnaces meeting the new standards.

Councilman DeRosa said Councilman Johnson asked that a waiver be included in the ordinance for hardship. There is already a waiver option in the ordinance and that could possibly be expanded.

There was discussion regarding possible wording to be added to the proposed ordinance.

Following discussion, Supervisor Kelly said since there would be some changes, he asked that the changes be made and the ordinance be re-circulated to the Board before a public hearing is set. It could be acted upon at the May 1st meeting and the Board can take action on it at the June meeting.

PUBLIC COMMENT

Vinny DiMarco thanked the Board for moving forward with the request of NYS DEC and also for approving the final drawings for the Whaley Lake Dam. He believed this was moving in a favorable direction and he can see the needle of progress moving and he appreciated the Board's help on this. Regarding the parcel of land from the Dutchess Land Conservancy, if the land is donated to the Town within the Whaley Lake District, would that cause an opportunity for that to become public access or would it remain a private body of water.

Supervisor Kelly said that would be researched.

Richard O'Rourke, attorney from Keane & Beane, P.C., attorneys for Castagna Realty, said he wanted to alert the Board that tomorrow he would be sending to the Town Board a letter in response to the letter dated April 3, 2013 from Robert Marvin, in which there is an assertion that the Castagna organization is not committed to the formation of the special sewer district. To be candid with the Board, the record speaks for itself. The Town Board asked for a \$25,000.00 deposit to defray the costs and to cover the costs with respect to the special district formation and Castagna immediately tendered that and Elm Street was asked to do that and they did not. It was the Castagna organization that funded the application to the Mid Hudson Development Corporation which gave an award of \$500,000.00 for the formation of the special district. The Elm Street

organization refused to participate or to pay for anything. The commitment is there, it is obvious. Actions speak louder than words and this will be addressed in detail in his letter.

Kevin Irwin, resident from 70 Cunningham Lane, Pawling, NY said he is here with his Cunningham Lane neighbors who have been following the developments of the cell tower application on Cunningham Lane. He commended Ms. Axelson for her diligent work in looking for alternate sites for the cell tower. He said if the need for the tower is found by the Planning Board as raised by Mr. DeRosa, he felt the Town should be interested in a suitable location that would benefit all in cell service and revenue for the Town. He asked how he would go about asking a question.

Supervisor Kelly said he would speak to Mr. Irwin after the meeting or Mr. Irwin could email the Town Board.

The motion to adjourn was made by Supervisor Kelly at 7:40 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk