

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM June 12, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 14 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 May 1, 2013 and May 8, 2013 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

### **MURROW PARK DISCUSSION**

Councilman Montemarano said he asked last week for additional input from the Town Board but he really hasn't seen anything. He has tried to put together an overall view of how to get the maintenance back up to where it should be and get people to use the park again. He is trying to stay away from costly improvements at this point but there are some repairs that need to be done. He felt a year to year and a half build out plan would probably be a good time frame to get the park back where it belongs.

Councilman DeRosa said some of the projects Councilman Montemarano is talking about are the pavilion roof, getting the envelope of the Lyons building so there are no problems and general maintenance that needs to be done. There have been meetings with residents regarding Murrow Park and the main focus is to get the park up to speed and fix what already exists. There was a suggestion of a dog park somewhere at Murrow Park. They would also like to increase the uses and the security of the park. They felt reaching out to volunteers would be the way to get things done at the park.

Councilman Montemarano said there are some considerable issues that need to be addressed, such as roof repairs at the Lyons pavilion. He and Councilman DeRosa are assessing what needs to be done and looking at options.

Councilman DeRosa said following discussions with residents of the community, the priority list is repairs and improvements, maintenance and the partnership with volunteers. There also needs to be a decision on the Burr House.

Councilman Johnson said his top three priorities are the envelope of the Lyons building, the Burr House, which has been an eye sore for too long and serves no purpose as a house and he felt it should be demolished. If demolished, the basketball court could be relocated to that area. He suggested the idea of unleashed dog trails as part of the proposed dog park. He felt the historical significance was related to the elders of the community, the senior members of the Lyons Club who had the foresight to build the building. That is the real spirit of volunteerism. The Town Board should focus on revitalizing playground equipment and it could be a fishing destination.

Councilman Montemarano said the removal of the Burr House would cost well into six figures. The focus from the beginning was to get the park properly groomed and maintained as it used to be and get the park used and to get the biggest result with the least amount of expense.

Councilman Johnson felt the Burr House needed to be taken down, even if it has to be done in stages.

Councilman DeRosa said the focus was to get the park usable this summer.

Supervisor Kelly said he appreciated everyone's work on this matter. He said maintenance takes priority.

Councilman Upham said he was happy to see the rejuvenation started and he was happy Councilmen Montemarano and DeRosa are working on this.

Councilman Montemarano said there are a lot of projects that can be done without a lot of money.

Following further discussion, Supervisor Kelly asked for a priority list of projects and a fiscal impact of those projects, including long range fiscal impacts.

Supervisor Kelly said he appreciated the work and maintenance the Lyons Club has done through the years. He thanked Board members for their work on the Murrow Park matter.

**CONSENT AGENDA**

**Resolution 2013086  
Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers for the payment of bills 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 20130529 through 20130687, 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 \$270,837.44.

**Resolution 2013087  
Filing Notice of Claim – Secretary of State**

WHEREAS General Municipal Law, §53 requires towns to file a certificate with the Secretary of State designating the Secretary of State as an agent for service of a notice of claim; and

WHEREAS, General Municipal Law, §53 requires the certificate to include the applicable time limit for filing the notice of claim and the name, post office address and electronic mail address, if available, of an officer, person, for the transmittal of notices of claim served upon the Secretary as the town's agent; and

WHEREAS, pursuant to General Municipal Law, §50-e(1)(a), the applicable time limit for the filing of a notice of claim upon a town is 90 days after the claim arises, or in the case of a wrongful death action, 90 days from the appointment of a representative of the decedent's estate, now, therefore, be it

RESOLVED, that the Town Board of the Town of Pawling, County of Dutchess designates Catherine Giordano, in his/her capacity as Town Clerk, to receive notices of claims served upon the Secretary of State by mail at 160 Charles Colman Blvd, Pawling, NY 12564 and, be it, further

RESOLVED, that the Town Board hereby directs the Town Clerk to file the required certificate with the Secretary of State informing him or her of the town's designation and applicable time limitation for filing a notice of claim with the town on or before July 14, 2013.

**Resolution 2013088  
Waiver Request- Deerfield Ponds**

Whereas, the Town of Pawling Planning Board is reviewing a Lot Line Adjustment application from Deerfield Ponds Development on West Dover Road, and

Whereas, the Applicant has requested the Town Board to waive any and all Town Fees associated with the application, and

Whereas, the property in question is Town owned and is a currently inventoried roadway of the Town of Pawling, and

Whereas, the property was given to, and accepted by the Town upon the creation of the Deerfield Ponds Development as a roadway that met the standards to be designed as Town Highway, and

Whereas, the Lot Line Adjustment application and drawings must be reviewed by the Town Engineer, and

Whereas, the Highway Superintendent has agreed to transfer the property described above, now, therefore, be it

Resolved, that the Town Board does hereby waive the application fees only for Deerfield Ponds Development, and, be it, further

Resolved, that the Town Board hereby recognizes that all other fees (which may include filing and/or review fees) are the responsibility of the applicant.

**Resolution 2013089**  
**Justice Court Annual Filing**

Whereas, the Town Justices are required to file the previous year's court activities, and

Whereas, the Town Justices filed the reports with the Town Board at the May Town Board meeting, and

Whereas, the reports were available for review at the Court's Office located at 160 Charles Colman Blvd. Pawling, NY 12564, now, therefore, be it

Resolved, that the Town Board hereby accepts the 2012 Town of Pawling Justice Court Activity Report by Justice Daniels and Justice Denton.

**Resolution 2013093**  
**Acceptance of 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 miles from Maine to Georgia within a protected 250,000 acre Greenway, and

Whereas, towns, counties and communities along the Trail'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 Towns of Pawling and Dover filed an application seeking this designation with support from Pawling Nature Conservancy, Deuell Hollow Conservation Association, Dutchess Land Conservancy, Parent Teachers Association; Pawling Middle & High School, Dover Knolls Development II, Dover Union Free School District, Pawling Chamber of Commerce, and many other local groups and,

Whereas, the Town of Pawling and the Town of Dover were officially notified that the joint application was fully accepted and designated as an Appalachian Trail Community by the Appalachian Trail Conservancy, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the designation of Appalachian Trail Community, and, be it, further

Resolved, that the Town Board hereby officially endorses the Pawling / Dover designation as the, “Harlem Valley Appalachian Trial Community”.

**Resolution 2013094  
Speed Limit Reduction Request**

Whereas, Dutchess County maintains certain “County Roads’ within the Town of Pawling, and

Whereas, Town residents that live along certain county roads have requested the Pawling Town Board to reduce the speed limits on all county roads, and

Whereas, the Pawling Highway Superintendent had requested that all Pawling roads should be reviewed as part of any request to Dutchess County, and

Whereas, the Town Board must pass a resolution requesting Dutchess County Legislature and the Dutchess County Public Works to authorize and implement such review of speed limits on all Pawling roadways, now, therefore, be it

Resolved, that the Pawling Town Board hereby request that the Dutchess County Legislature and Dutchess County Public Works authorize the review for potential speed reduction on all County and Town roadways within the borders of the Town of Pawling.

**MOTION:** Councilman Johnson  
**SECOND:** Councilman Montemarano

**ROLL CALL VOTE:**

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

**NON-CONSENT AGENDA RESOLUTIONS**

**Resolution 2013091  
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 Town’s own usage, and

Whereas, the Director of Recreation will periodically 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:

- 1) Pawling/ Beekman Roller Hockey; June 1 – Oct 31, 2013
- 2) Pawling Republican Committee
- 3) Troop 34: Court of Honor

and, be it further

Resolved, that the Town Board hereby sets the following fees or use of the facilities as requested:

1) David Kelly: Dutcher Golf Course (7pm to 11pm)

**MOTION:** Councilman Johnson

**SECOND:** Councilman Upham

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman Montemarano “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “ABSTAINED”

**Resolution 2013092  
Town Constable**

Whereas, the Town of Pawling has openings on the Constabulary Workforce, and

Whereas, the Chief Constable has requested to add new personnel to the department due to the passing and/or retirement of past members, and

Whereas, the new members must be trained to meet certain standards set by New York State Department of Criminal Justice Services, and

Whereas, the newly appointed members shall be requested to cover any and all costs associated with becoming a certified NYS Peace Officer which shall include training, uniforms, and equipment associated with performing such duties, now, therefore, be it

Resolved, that Louis Musella, Paul Smith, Vincent DeMarco, Vincent Merendino, and Steve Gomez have all expressed interest in serving as a Town Constable for the Town of Pawling, and, be it, further

Resolved, that the Town Board hereby recognizes Louis Musella, Paul Smith, Vincent DeMarco, Vincent Merendino, and Steve Gomez as candidates for appointment as Town Constable pending passing of the required NYS training and full reimbursement to the Town for training, uniforms and equipment.

**MOTION:** Councilman Johnson

**SECOND:** Supervisor Kelly

Councilman Johnson said the expense associated with training makes it prohibitive for the person to sign up to do this. He recommended several different options, such as paying for the training and offering a three year commitment, pay for half portion and at the end of a three year commitment, the Town reimburse the employee.

Supervisor Kelly said he would continue to ask the Sheriff’s Office if they would be willing to train people. The cost would still be \$2,000.00 each applicant and is 158 hours of training. He had no objection to paying for training with an employment commitment. There is one person who is trained and can be hired immediately. There is some fund balance money that could be used for training.

Chief Constable Mike Kelly suggested putting this training off until later in the year to see if there is money left in the constable budget that could be used for training.

Councilman Johnson asked if the Board felt a three year commitment was fair to ask of someone.

Supervisor Kelly said he would like to check with counsel on that.

Councilman DeRosa said due to personal reasons, it could be hard to get people to commit long term.

Following further discussion, Councilman Johnson made a motion to table resolution 2013092, seconded by Councilman Montemarano, motion passed unanimously.

The motion to appoint Paul Smith to the Constabulary, subject to all safety requirements, safety checks, background checks and safety certificates, seconded by Councilman Montemarano.

Supervisor Kelly introduced an amendment to set the rate of pay as the normal rate of pay for constables at \$18.00 per hour, seconded by Councilman Johnson, motion passed unanimously.

**ROLL CALL VOTE ON MOTION:**

Councilman Johnson – “AYE”

Councilman Montemarano “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2013095  
Planning Board- Boniello Subdivision; Waiver**

Whereas, at the Town Board received a letter from Chairman Kent Johnson dated June 3, 2013 in reference to the Boniello Subdivision, and

Whereas, the Planning Board recommends the Town Board accept a waiver of the application fee and to set an Administration Fee and Escrow amount as they relate to the proposed subdivision, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Pawling Planning Board on matters pertaining to the Boniello Subdivision and hereby sets an Administration Fee at \$1750.00 and requests a deposit of \$5000.00 to be placed in an Escrow account to be used for consultant review on said project.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Upham

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman Montemarano “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**OTHER BUSINESS TO COME BEFORE THE BOARD**

Supervisor Kelly said the time for Pawling Joint Sewer Commission meeting scheduled for tomorrow has been changed to 5:00 PM.

**ROLLER HOCKEY RINK/DODGE ROAD**

Councilman Montemarano said the Pawling/Beekman Roller Hockey group wants to resurface the rink. He has sent them a facilities use form and contractor forms for the repairs to be done. These documents, as well as the insurance coverage, have been reviewed by the Town’s insurance agent. Their umbrella policy is one million dollars and the Town typically requires two million, but it was the Town’s insurance agent’s opinion that the one million dollar umbrella policy would be fine.

Councilman Montemarano made a motion to accept the insurance that is in place, conditioned on all of the proper forms being executed and submitted, seconded by Councilman Upham, motion passed unanimously.

### **LAKESIDE PARK BEACH FRONT**

Councilman Montemarano said regarding some comments made by a resident last week regarding improvements to the beach front at Lakeside Park, he started looking into it and as for a tent on the beach, everyone seemed to think the wind would take a tent down. He did get prices on beach sand, which was approximately \$46.00 a cubic yard and it is located in Billings.

Following discussion, Supervisor Kelly made a motion to do a disbursement from fund balance for no more than \$5,000.00 to cover the replacement of beach sand at Lakeside Park, seconded by Councilman Johnson, motion passed unanimously.

Following discussion, it was agreed that Councilman Montemarano would research the cost and location of a shower near the beach so people could shower off as they leave the beach.

### **WIND ENERGY PROPOSED LOCAL LAW**

Councilman DeRosa said he would like to move the proposed Wind Energy proposed local law to the Town Attorney for review.

Supervisor Kelly said he would like to get it to the Town Attorney for review and possibly get the assistance of a consultant if needed.

Following discussion, it was agreed that the proposed Wind Energy law would be sent to the Town Attorney for review.

### **ENVIRONMENTAL CONSULTANT**

Councilman DeRosa suggested bringing in Environmental Consultant Walter Artus to give a report on the matter over on Route 292 involving Mr. Oates' property. He said the Town of Pawling is an MS4 community and if the Town doesn't follow the correct procedures, they could be heavily fined.

Tom Corrao, Building Inspector/Zoning Administrator/Stormwater Management Officer felt it would be a good idea to have an Environmental Consultant that would assist the Town if needed. He said Mr. Artus was going out to the Oates site tomorrow morning to verify that the fill that was being brought in is not contaminated fill. A team from Morris & Associates, Town Engineers, will be doing everything else at the site. A representative from Morris Associates has been out to the site on numerous occasions and has looked at the fill and has considered it acceptable.

Following discussion, Supervisor Kelly made a motion to retain the services of Stormwater Management professional Walter Artus on an as needed basis for review by any and all Boards or departments of the Town of Pawling at his standard rate of pay, seconded by Supervisor Kelly, motion passed unanimously.

### **TOWN SUPERVISOR LEAVING FOR EXTENDED PERIOD**

Supervisor Kelly officially reminded the Board that he would be leaving next Tuesday for an extended period of time. On Monday afternoon, he will file a document with the Town Clerk to unequivocally turn over all of the reigns of the Town to the Deputy Supervisor.

### **PUBLIC COMMENT**

Vinny DiMarco reminded the Board that he is available to help with the work at Murrow Park with any work the Town needs done. He wished Supervisor Kelly a wonderful trip. He said the Whaley Lake Dam informational meeting went really well and he received many phone calls thanking him and he wanted to pass that on to the Board.

David Stenton, Head Coach for the Pawling Sharks, a Pawling Recreation Program, said he is seeking permission to conduct a fund raising car wash at the Highway Department.

John Daley, Highway Superintendent said he has spoken to Mr. Stenton about the car wash and he has no problem with it. There is adequate water supply for the event.

Supervisor Kelly made a motion to accept the request to use the Highway Department on Saturday, June 22 for the purpose of a car wash by the Pawling Sharks, following John Daley's recommendations and guidelines and subject to a completed facilities use form and proper insurance, seconded by Councilman Upham, motion passed unanimously.

Tom Corrao, Town of Pawling Building Inspector/Zoning Administrator/Stormwater Management Officer, said he wanted to address some comments that were made at last Wednesday's meeting. He wanted to address the complaint by some residents in reference to the project that is being performed over on Route 292. He has listened to the podcast and there were a few comments made that he felt needed to be addressed. He has given the Board a package which covers most of this and he asked the Board to review the package and please contact him with any comments. He would be happy to discuss it with Board members. There was a lot of false information given that night so he would appreciate it if the Board would review the package.

The Board agreed to review the package submitted by Mr. Corrao.

Brian Griffin, Village Trustee, thanked the Town Board for their continued support of Pawling as a Hiking, Biking & Walking Community and for supporting the Appalachian Trail Community designation. He submitted a copy of the education brochure they will be releasing regarding bicyclists and motorist sharing the road.

Stephen Sollazzo said in less than a month it will be Independence Day. He wondered if there were any resources for fireworks and possibly a celebration at Murrow Park.

Larry Oates said regarding the Board's Murrow Park discussion, he is part of a Summer Youth Employment Program in the Town of New Milford, Connecticut, which is federally funded. They do everything in the parks and maintain the trails. He would submit information to the Board.

### **EXECUTIVE SESSION**

The motion to enter Executive Session to discuss potential litigation was made by Supervisor Kelly at 8:25 PM, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 8:48 PM, seconded by Councilman Johnson, motion passed unanimously.

The motion to adjourn was made by Supervisor Kelly at 8:49 PM, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk