

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 6:30 PM August 14, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham (arrived at 6:55 PM), DeRosa and approximately 30 interested citizens. Councilman Montemarano was absent.

**PRESENTATION/Julian Adams, State Historic Preservation Office (SHPO)
Historic Districts**

The Board entertained a presentation by Mr. Julian Adams from the State Historic Preservation Office regarding the Certified Local Government Program (CLG). He presented the Board with a Model Historic Preservation Law for Municipalities in New York State and explained that this program gives the ability to pass a local law to create historic districts. Mr. Adams stated that he is a Community Liaison & Certified Local Government Coordinator Officer for SHPO, and it is his job to reach out and help communities who wish to adopt this legislation and create historic districts. He had a tour of the Town today and understands the wonderful historic resources the Town has. This is a Federal program which was established in 1980 to help communities make sense of what they wanted to do on a local preservation effort. He explained the program to the Board, saying community character is what would be protected under this program. He submitted a model law to the Board for their review. He said the Board could either adopt the law as written, change it or not adopt it at all. He explained the steps that would be needed to pass the law, which included the formation of a Historic Preservation Commission, which would be made up of volunteers from the Town. He explained that there is a grant program involved with the CLG program, should the Town choose to become a CLG town. This program promotes growth without changing character and helps the Town decide how it wants to move forward and grow. Growth is good but it should be controlled growth. This law is not written for communities to create museum towns/villages but to accommodate growth and manage change. He is available to lend a guiding hand and technical and legal advice through the process and beyond. There are 81 municipalities in New York State who are Certified Local Governments. He explained some of the duties of the Historic Preservation Commission, such as doing historic surveys of historic resources, reviews of properties and create strong rules and regulations. He added there should be a Town Board Liaison to this Commission. This law helps you plan and planning is the key to success for the future. He said grant monies are available once the law is passed and he would help obtain grants and with anything else the Town might need.

Following a question and answer session, the Board agreed to study this matter further. Supervisor Kelly asked Councilman Upham to Chair a Sub-Committee to move forward with studying this further and research the passage of a Model Historic Preservation Law local law for the Town of Pawling. He asked that the Village of Pawling be invited to join the Town in this study.

Councilman Upham agreed.

PRESENTATION/Business Automation Systems (BAS) on Town Accepting Credit Card Payments

The Board entertained a presentation by Mr. Robert Vitti, Vice President and Ms. Lauren Iachetta from Business Automation Systems (BAS). Mr. Vitti gave a background of his company, saying they develop software, and he has been working with the Town of Pawling in various departments for many years. Mr. Vitti gave a Power Point presentation to the Board regarding on line payments and acceptance of credit cards. He explained that there is no cost to the Town, however, there would be a cost to the resident. He went over the fees, explaining the different fees for different transactions. There are several applications that interface with this system and he explained those. His company is fully integrated with Value Payment Systems and they are the ones who process the convenience fees. He would work with the Town and Value Payment Systems to set up the system.

Following a question and answer session and further discussion, Supervisor Kelly asked Mr. Vitti to send him any and all paperwork related to the credit card system for review.

Mr. Vitti agreed.

PAWLING WATER DISTRICT #2 WELL REHABILITATION & IMPROVEMENTS/PUBLIC HEARING

Supervisor Kelly opened the public hearing on improvements for Pawling Water District #2 at 7:50 PM.

Mr. Pete Setaro from Morris Associates gave an overview of the necessary improvements to PWD #2. He explained that the Town has received numerous letters from the Dutchess County Health Department regarding PWD#2 expressing concern in regards to the supply of the necessary quantity of water. There has been a problem in the past with iron manganese which partially contributes to the wells not producing what they originally produced when they were first drilled. In 1995, an iron manganese treatment system was put in, it is in place now and it is working. There are two wells operating now, well number 4, located on the HOA property and producing approximately 11 gallons per minute and well number 2, which is producing approximately 3 to 4 gallons per minute. The average daily flow requires approximately 12 gallons per minute and health department requirements say you should have a back up well that is capable of producing the amount of average daily flow if one of your wells is out. They propose these improvements in two steps, first well rehabilitation and then doing a hydro freeze method to try to open up some of the fractures in the two existing wells to increase their pumping capacity. If this process works, the water district should be fine. There is the possibility that if the rehabilitation does not prove successful, an additional well would have to be drilled. He hoped that wouldn't happen but these items were all in the RFP soliciting a well company to do the work. The Town received three proposals for this work and his firm made a recommendation to the Town Board and they can go ahead and act on that tonight.

Supervisor Kelly explained that the estimate for the entire project is \$250,000.00. He spoke with bond counsel and he explained the process by which the monies need to be borrowed, trying to give the lowest increase as possible to residents in the water district.

Emil Figueroa, resident of the water district asked about the automation of the system. He suggested the Board put out an RFP for a propane powered backup generator system for when there are power outages.

Bruce Kraemer of 50 Maria Drive asked the percentage of success rehabilitating the wells and if it wouldn't be cheaper to drill a new well.

Mr. Setaro said currently the operator operates the iron manganese treatment system and it works. In meetings with the Health Department, adequate quantity of water was the priority, and the Health Department may not require further automation of the treatment system. He has seen good results with rehabilitation of wells, although he did not have percentages with him. He gave a detailed explanation of the process and what would happen during the rehabilitation. He said the well on the HOA property is the one that produces the most water. If the rehabilitation does not work, the RFP was structured so that a new well would then be drilled. He felt the HOA property would be the best location to drill a new well if necessary, as that is the well that has the best yield.

Supervisor Kelly said regarding the backup generator system, he felt that was a good suggestion but it could not be done in this bond issue because the bonding is specific to the work that is being done.

Drew Nicholson asked how big the aquifer was and if it would stand another well.

Mr. Setaro said he did not have the answer. He said a hydro-geologic study has not been done. There is not a lot of area to work within so they basically have to work within that area.

There were no further comments and Supervisor Kelly closed the public hearing.

PUBLIC COMMENT ON AGENDA ITEMS

Supervisor Kelly opened the meeting for public comment on agenda items and there were none.

RESOLUTIONS

**Resolution 2013101
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 20130851 through 20131048, 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 \$206,906.32.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**Resolution 2013102
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 request 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 Soccer Club; Sept. 1 – Nov. 30, 2013
- 2) Pawling Central School District; August 13 to March 7, 2014 (XC, Tennis & Tennis)
- 3) D.C. Board of Elections, Tuesday, Sept. 10, 2013 (Lathrop, Town Hall & HWLCA) & Tuesday, Nov. 5, 2013 (Lathrop, Town Hall & HWLCA)
- 4) Pawling Boy Scouts; Sept. 13, 2013 to June 14, 2014 (Lathrop)
- 5) D.C. Sheriff’s Office; Thursday, Sept. 19 & Friday, Sept. 20, 2013 (Back Houses & Red Barn)

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

Resolution 2013103
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 \$ 2,399.20 for the period of May 1, 2013 through July 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.

MOTION: Councilman Johnson
SECOND: Councilman Upham

ROLL CALL VOTE:

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

Resolution 2013104
Release of RFP for #2 Heating Fuel Oil and Service of Oil Fired Heating Equipment

Whereas, bids are needed for #2 Heating Fuel Oil and Service of Oil Fired Heating Equipment for the year 2014, and

Whereas, the current contract term run from October 1, 2012 to September 30, 2013, and

Whereas, the new contract shall runs from October 1, 2013 to September 30, 2014, now, therefore, be it

Resolved, that the Town Board hereby requests the Town Clerk to advertise the Request For Proposal (RFP) for #2 Heating Fuel Oil & Service of Oil Fired Heating Equipment with a return date of August 29, 2013 at 10:15 AM, 160 Charles Colman Blvd. Pawling, NY 12564.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman Montemarano – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly “AYE”

Resolution 2013105
Award of Bid – Overlook Drive Road Rehabilitation

Whereas, the Town of Pawling has advertised for a Request For Proposal (RFP) for the Overlook Drive Road Rehabilitation Project for the Town of Pawling, now, therefore, be it

Resolved, that the RFP for Overlook Drive Road Rehabilitation in the Town of Pawling was opened by the Town Clerk on Monday, August 12, 2013 at 10:00 AM, and based on the tabulation sheet provided by the Town Clerk and reviewed by Town Engineer, the bid is hereby awarded to Gorman Brothers, Inc. in the amount of \$104,999.00 for the project associated with the referenced RFP.

MOTION: Councilman Johnson

SECOND: Councilman DeRosa

Supervisor Kelly noted that he lives on Overlook Road and will benefit from this road rehabilitation.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly “AYE”

Resolution 2013106
Setting a Public Hearing – CDBG 2014
(Community Development Block Grant Program)

Whereas, the Town of Pawling is an active participant in the Community Development Block Grant Program (CDBG), and

Whereas, the program requires the Town to hold a Public Hearing on the project to be submitted to Dutchess County for consideration, now, therefore, be it

Resolved, the Town Board hereby designates September 4, 2013 at 7:00 PM, at 160 Charles Colman Blvd, Pawling, NY 12564 for purpose of holding a Public Hearing on the 2014 CDBG program.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly “AYE”

DISCUSSION/PWD #2 REHABILITATION

Supervisor Kelly said the next couple of resolutions are related to the borrowing for the Pawling Water District #2 improvements. He asked if there were any questions before the resolutions are introduced.

Councilman DeRosa asked if the well on the HOA property is the well that produces the most water.

Mr. Setaro said yes and it runs for the most part 24 hours per day. You are supposed to have a backup. The average requirement is 12 gallons per minute and a backup well. The RFP was to rehabilitate well #2 and well #4.

Councilman Johnson said one of the wells in the district is not currently on line. The well on the HOA property at one time produced 35 gallons per minute, not that long ago. He is hopeful that this rehabilitation will work and that well will produce more water.

Mr. Setaro said more maintenance needs to be done. He hoped the two wells could be used to obtain a good yield for the district.

Supervisor Kelly said there are options within the RFP to get this done.

Resolution 2013107

RE: A RESOLUTION ADOPTING A PUBLIC INTEREST ORDER AUTHORIZING IMPROVEMENTS TO THE FACILITIES OF THE TOWN OF PAWLING WATER DISTRICT NO. 2 IN THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK, PURSUANT TO SECTION 202-b OF THE TOWN LAW

WHEREAS, the Town Board of the Town of Pawling, Dutchess County, New York, has duly caused to be prepared a plan and report, including an estimate of cost relating to the increase and improvement of the Pawling Water District No. 2 within the Town of Pawling, consisting of the rehabilitation of existing wells to increase productivity and if necessary drill a new well if there is not a sufficient increase in well yields; in addition, the existing water treatment facility will be upgraded to include new control automation and other incidental improvements and expenses in connection therewith for the purpose of repairing and improving said facilities for compliance with the Dutchess County Department of Health at a maximum estimated cost of \$250,000.00; and

WHEREAS, the aforesaid project has been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, the Town Board has determined will not result in any significant environmental effects; and

WHEREAS, at a meeting of said Town Board of the Town of Pawling duly called and held on July 26, 2013, an order was duly adopted by it and entered in the minutes specifying that the said Town Board of the Town of Pawling would need to

consider the afore-described increase in improvements of the facilities of the Pawling Water District No. 2 and to hear all persons interested in the subject thereof concerning the same at the Town Hall, located at 160 Charles Coleman Boulevard, Pawling, New York, in said Town of Pawling on the 14th day of August, 2013 at 7:00 p.m., prevailing time; and

WHEREAS, said order duly certified by the Town Clerk of the Town of Pawling was duly published and posted as required by law, to wit: A duly certified copy thereof was published in the official newspaper of the Town of Pawling, and a copy of said Order was posted on a sign board maintained by the Town Clerk of the Town of Pawling, pursuant to Section 30(6) of the Town Law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice at which time all persons desiring to be heard were duly heard, now therefore, be it

ORDERED, by the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. Upon evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the improvements, to wit: To rehabilitate existing wells to increase productivity and if necessary drill a new well if there is not a sufficient increase in well yields. In addition, the existing water treatment facility will be upgraded to include new control automation and other incidental improvements and expenses in connection therewith for the purpose of repairing and improving said facilities for compliance with the Dutchess County Department of Health at a maximum estimated cost of \$250,000.00.

Section 2. This order shall take effect immediately.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly “AYE”

Resolution 2013108

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, the Town Board of the Town of Pawling has reviewed all available information including a Short Environmental Assessment Form regarding the proposed action entitled Water District #2 Improvements, dated August 12, 2013; and

WHEREAS, the Town Board has acted as Lead Agency in the uncoordinated review of this action; and,

WHEREAS, the Town Board has reviewed the environmental impacts that may be associated with this action; and

WHEREAS, on August 14, 2013, the Town Board determined the action to be an Unlisted Action according to the SEQRA, Parts 617.4 and 617.5., now, therefore, be it

RESOLVED, that the Town of Pawling Town Board has determined that the proposed action will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared, and, be it, further

RESOLVED, that the Town of Pawling Town Board uses the following reasons in support of this determination of non-significance:

1. Actions are not expected to increase well yields or treatment capacity above that required to serve the existing district, and no district expansion is proposed.
2. Actions are being performed to allow the system to provide sufficient water for the current District with the best producing well out of service, ensuring a more reliable water system that is in compliance with Department of Health regulations
3. Proposed actions are mainly being performed within existing facility structures and wells which will not impact items as listed in the Short Environmental Assessment Form.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly introduced an amendment to add the attachment of the Short Form EAF to Resolution 2013108, seconded by Councilman Johnson, motion passed unanimously.

ROLL CALL VOTE:

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

Supervisor Kelly said Resolution 2013109 regarding the Short Form EAF was no longer needed and would be stricken from the agenda.

617.20
Appendix C
State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR Town of Pawling Water District #2	2. PROJECT NAME Water District #2 Improvements
3. PROJECT LOCATION: Municipality <u>Town of Pawling</u> County <u>Dutchess County</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <u>31 Mountain View Drive (Parcel 134089-6856-00-524550) and 2 Eleanor Drive (Parcel 134089-6856-00-545647)</u>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Well rehabilitation of two wells to increase well productivity is proposed to occur on both properties listed above with the potential for a new well to be installed on one of the two properties listed above should well yields not increase significantly enough after rehabilitation efforts are performed. Existing water treatment facility may be upgraded to include new control automation pending further discussion with DCDOH.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0.005</u> acres Ultimately <u>0.007</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly <u>N/A</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: <u>Water Treatment (Land Use 822) and Rec Facility (Land Use 682) for the properties above respectively.</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>Dutchess County Department of Health</u>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <u>Health Department approvals for system operation.</u>	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE: Applicant/sponsor name: <u>David Kelly, Town of Pawling Supervisor</u> Date: <u>August 14, 2013</u> Signature: _____	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER
1

Reset

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coordinate the review process and use the FULL EAF.
 Yes No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 Action should increase groundwater quantity from existing yields but should not result in quantities exceeding previously approved amounts.

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:
 No impact

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:
 No impact

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:
 No impact

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:
 No impact

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:
 None

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:
 None

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Town of Pawling Town Board	August 14, 2013
Name of Lead Agency	Date
David P. Kelly	Supervisor
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (Different from responsible officer)

Reset

Resolution 2013110

RESOLUTION AUTHORIZING THE ISSUANCE OF \$250,000.00 SERIAL BONDS OF THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENTS OF THE FACILITIES OF PAWLING WATER DISTRICT NO. 2 IN THE TOWN OF PAWLING, DUTCHESS COUNTY, NEW YORK AND DELEGATING CERTAIN POWERS IN CONNECTION THEREWITH TO THE TOWN SUPERVISOR OF THE TOWN OF PAWLING.

WHEREAS, pursuant to proceedings heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated August 14, 2013, the Town Board of the Town of Pawling, Dutchess County, New York, has determined it to be in the public interest to increase and improve the facilities of the Pawling Water District No. 2 of said Town of Pawling at a maximum estimated cost of \$250,000.00; and

WHEREAS, the aforesaid project has been determined to be an Unlisted Action pursuant to the Regulations of the New York State Department of Environmental Conservation promulgated pursuant to the New York State Environmental Quality Review Act, the implementation of which, as proposed, the Town Board of the Town of Pawling has determined, will not result in any significant environmental affects; and

WHEREAS, it is now desired to authorize such capital project and it's financing; now therefore, be it

RESOLVED, by the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the Pawling Water District No. 2 of the Town of Pawling, Dutchess County, New York, has duly caused to be prepared a plan and report, including an estimate of cost relating to the increase and improvement of the Pawling Water District No. 2 within the Town Pawling, consisting of the rehabilitation of existing wells to increase productivity and if necessary drill a new well if there is not a sufficient increase in well yields; in addition, the existing water treatment facility will be upgraded to include new control automation and other incidental improvements and expenses in connection therewith for the purpose of repairing and improving said facilities for

compliance with the Dutchess County Department of Health at a maximum estimated cost of \$250,000.00.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is \$250,000.00 and that the plan for the financing thereof shall consist of the issuance of the \$250,000.00 serial bonds of said Town of Pawling authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision 1 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five (5) years.

Section 4. The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. There shall be annually appropriated and assessed upon the several lots and parcels of land within said Pawling Water District No. 2 which the Town Board of the Town of Pawling shall determine as specified to be especially benefitted by the improvements, an amount sufficient to pay the principal and interest on said bonds as the same become due, but if not paid from such source, all the taxable real property in said township be subject to the levy of ad valorem taxes, without limitation as to rate or amount sufficient to pay the principal of and interest on said bonds as the same shall become due.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and

shall otherwise be in such form and contain such recitals, in addition to those required by

Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. This resolution which takes effect immediately shall be published in full or summary form in The Poughkeepsie Journal, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly “AYE”

Resolution 2013111

Awarding a Bid for Well Rehabilitation Service for Pawling Water District No. 2

WHEREAS, the Town Board has previously discussed the need to rehabilitate Wells #2 and #4 within Pawling Water District #2; and

WHEREAS, Morris Associates, P.S., L.L.C., Engineering Consultants, has prepared cost estimates and SEQRA and bid documents, and have delineated the project labeled as the Water District #2 Well Rehabilitation; and

WHEREAS, The Town Board has accepted a Map, Plan, and Report for improvements which include the proposed well rehabilitation, and has determined the project will not have an adverse impact as described in the EAF provided; and

WHEREAS, the Town has publicly advertised and received formal bids on or before August 5, 2013 from contractors for the work as called for by the bid documents, with Hyatt Pump Service as the apparent low bidder; and

WHEREAS, upon review of the bids, Morris Associates, P.S., L.L.C., Engineering Consultants, determined that there was a mathematical error in that Hyatt Pump Services neglected to include the fixed contingency amount to the total bid for each well in the lump sum bid despite the fact that it was included in the unit price breakdown; and

WHEREAS, General Municipal Law §103 (11) provides a procedure and test to allow the withdrawal of an honestly mistaken bid if five factors can be demonstrated; and

WHEREAS, the Courts have interpreted this however so as not to preclude the correction of an obvious mathematical error; Picone/McCullagh v. Miele, 283 A.D. 2nd 501 (2nd Department, 2001); Arcon Construction and Management Services v. Saratoga County, 15 Misc. 3rd 1147 A (Supreme Court, Saratoga County 2007); and

WHEREAS, even with the correction Hyatt Pump Services remains the lowest responsible bidder by a significant amount; and

WHEREAS, the Town Board is desirous of accepting the recommendation of the Town Engineer by correcting the obvious mathematical error, and thus avoid the time and expense of rejecting all bids and re-bidding the project or awarding the bid to the next lowest bidder at substantial additional cost; and

WHEREAS, the Town Board has received a recommendation from Morris Associates, P.S., L.L.C., Engineering Consultants, regarding the award of the bid; now, therefore be it

RESOLVED, as follows:

1. The recitations above set forth are incorporated in this Resolution as if fully set forth and adopted herein.
2. This Town Board award the project known as the Water District #2 Well Rehabilitation to Hyatt Pump Service for the amount of \$ 37,300.00;
3. Morris Associates, P.S., L.L.C. Engineering Consultants, be, and they hereby are, authorized to oversee and inspect the rehabilitation for compliance with the contract documents.

MOTION: Councilman Johnson

SECOND: Councilman Upham

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman Montemarano – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly “AYE”

MINUTES

The motion to approve the minutes of July 10, 2013 and July 26, 2013 was made by Supervisor Kelly, seconded by Councilman Upham, motion passed unanimously.

OTHER BUSINESS

Supervisor Kelly said the Town’s Trail Blazer was involved in an incident between Town employees. There is approximately \$4,000.00 of damage to the Maintenance Department Trail Blazer. He received the estimate on the damage today and the Board should discuss what they would like to do with it. He would speak with the Town’s insurance agent to see what the deductible is, do further investigation and get back to the Board on this. The vehicle is not operable.

Supervisor Kelly said he was contacted by Dutcher Avenue Builders regarding the money being retained on the Town Hall roof project in the amount of \$5,000.00.

The motion to release the money being retained on the Town Hall roof project upon the approval of the engineer who over saw the project and the Town’s Code Enforcement Officer to sign off on the project, money to be released to Dutcher Avenue Builders was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly asked John Daley, Highway Superintendent about the process with the work being done on Old Route 55.

Mr. Daley answered that the work on Old Route 55 was a two part process. The first part was to recycle the existing blacktop that was there, and that has been done. Because of the heavy rains, a couple of spots have loosened up and they have been patched. There is a top course that goes on, which is scheduled to be done Tuesday, weather permitting.

Supervisor Kelly asked John Daley, Highway Superintendent about the work on Jansen Road. He understood that a little bit of work was done in East Fishkill.

Mr. Daley answered that he received several complaints from Pawling residents about a really nasty pot hole just over the Pawling town line. They complained about it for some time. Cars were swerving into the oncoming lane to avoid this pothole. He felt in the interest of safety, it was the right thing to do to patch the pothole.

DEROSA

Councilman DeRosa said he heard from Terry Stewart, Town Attorney on the Wood Burning Furnace Ordinance. There are some changes that need to be made because of the new NYS DEC regulations. The Implementation Committee will review it again and when they are finished, send it back to the Town Board. It will have to be re-noticed because changes have been made. Councilman DeRosa said Terry Stewart, Town Attorney has reviewed the Wind Energy Facility Proposed Local Law and he said it looked good and the Town Board could move forward with it if they want to. Councilman DeRosa said he attended a meeting of the Dutchess County Planning Federation Board of Directors, which he is on. They talked about classes for this year, specifically classes for the new SEQRA forms. The course will be September 24th and there will be three credit hours associated with that.

UPHAM

Councilman Upham said the GED program is up and running for the coming year.

PUBLIC COMMENT

Vinny DiMarco thanked John Daley for fixing Jansen Road. He did a wonderful job. He would speak to anyone who complains about it. He understood the pothole was not in the Town of Pawling but people in Holmes use that road a lot and appreciate the job Mr. Daley did. He commented on the BAS credit card presentation, saying he felt the concept was really good. However, the 2.45% fee, he asked if that was an annual fee, and if that fee would be raised annually. He did not feel he would pay taxes with a credit card because of the 2.45% fee. Mr. DiMarco thanked Councilman DeRosa, Supervisor Kelly, Councilman Johnson, Todd Bender, Legislative Aide, his neighbor and Bill Vollmer, Planning Board member for helping to clear the crest of the Whaley Lake Dam.

Supervisor Kelly thanked Mr. DiMarco for the use of his boat and coordinating the clearing of the crest of the dam.

Supervisor Kelly motioned to adjourn the meeting at 8:45 PM in memory of Allen Kubik – Pawling Resident – Founder of “Music by the Lake”, Jeff Haber – Former Executive Director of the NYS Association of Towns and Mark Cooper – Morning Host WPDH, great friend of Pawling, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk