

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM September 4, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Montemarano, Upham, DeRosa and approximately 15 interested citizens. Councilman Johnson was absent.

PRESENTATION/ Cornell Cooperative Extension: Hudson River Estuary Watershed Resiliency Project

The Board entertained a presentation by Ms. Camille Marcotte, Community Educator on behalf of the Cornell Cooperative Extension Dutchess County Watershed Resiliency Program. This program is through the NYS Water Resources Institute, NYS DEC Hudson River Estuary Program with support from the NYS Environmental Protection Fund. She submitted information packets to the Board and explained that Cornell Cooperative Extension is partnering with other counties throughout the Hudson Valley on this project. Cornell Cooperative Extension provides educational programs to residents and officials and in Dutchess County and they have four major program areas, Agriculture & Horticulture, 4H Youth Programs, Family & Consumer Education and Environment & Energy Programs. She gave an overview of the Watershed Project, explaining that it helps municipalities and residents with situations due to flooding, hurricanes and extreme precipitation events that cause flooding, evacuations and millions of dollars in damage. She said that officials should be trained in flood plains and flooding, saying that structures built in flood plains are vulnerable. There are ways to minimize flooding and these programs teach about protection methods. She will be looking for feedback from the Board. She said Cornell Cooperative Extension is offering a number of Workshops in the fall and these are all credit courses.

Councilman DeRosa offered the Town of Pawling as a place classes could be conducted.

Supervisor Kelly said he would pass this information along to the Town Planning & Zoning Board's for their information. He thanked Ms. Marcotte for her presentation.

2014 Community Development Block Grant (CDBG)/Public Hearing

Supervisor Kelly opened the public hearing on the 2014 CDBG Program.

Councilman Montemarano said the Town is a member of the consortium of Dutchess County municipalities and agencies who compete for funding every year for transportation, affordable housing and handicapped accessibility grants. Typically, the Town of Pawling has had success with handicapped accessibility grants. Last year, the Town of Pawling had a successful application and received a \$100,000.00 grant for handicapped accessible improvements at the Holmes Whaley Lake Civic Association building. As part of that application, the Town's engineer put in a narrative saying that a sidewalk pedestrian access through Route 292, which would connect the existing trail, civic center, commercial and public buildings along Route 292. That is just one option for the submission for the CDBG. The Board will need to make a decision at next week's meeting as the application has to be submitted in October.

Councilman DeRosa said Councilman Johnson had suggested submitting an application for bathrooms at the ballfields or bathrooms at The Inn at Lakeside Park.

Supervisor Kelly asked for comments/suggestions from the audience.

Vinny DiMarco asked what the requirements were for the projects.

Supervisor Kelly said basically handicapped accessibility projects.

Mr. DiMarco said he would put his thinking cap on and if he thought of a project, he would let the Board know. He thought the sidewalks along Route 292 were a good idea. He thanked the Board for their efforts.

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

RESOLUTIONS

The Board discussed the proposed resolutions. Following discussion, it was agreed that resolutions 2013112, 2013113, 2013114 and 2013116 would be placed on the September 11, 2013 Town Board meeting agenda.

The Board decided to move forward with Resolution 2013115 as follows:

**Resolution 2013115
Land Use Designation; Castagna PDD**

Whereas, the Town of Pawling received a Petition to modify the Land Use Designation within the Town of Pawling Planned Development District (PDD) to the property known as the Castagna Commerce Park, and

Whereas, Castagna has stated that the request will permit an adjustment in Senior Housing location and allow for greater flexibility in the layout and design of the housing units and facilities, and

Whereas, in accordance with Pawling Zoning Code 215-36.I(9), changes in land use must be made by the Town Board after report by the Planning Board and upon recommendation by the Dutchess County Planning Department, now, therefore, be it

Resolved, that the Town Board hereby refers the Petition dated August 15, 2013 to the Town of Pawling Planning Board and Dutchess County Planning Department for their respective comments on the proposed changes to the Designated Land Use within the PDD; Castagna Commerce Park.

MOTION: Supervisor Kelly
SECOND: Councilman Montemarano

Supervisor Kelly said Castagna submitted this petition in mid August and they are looking for reallocation of some of the zones inside the PDD project. Donna Fusco from the firm of Keane & Beane and Jerry Schwalbe from the firm of Divney Tung Schwalbe were present representing Castagna. This will allow Castagna to move forward with their senior housing project. They need to relocate some of the senior housing that is currently on the plan. Castagna is actually moving forward with the project. The Planning Board has begun reviewing the application for senior housing. This would allow them to do what they are looking to do within this plan. He asked about the status of the petition that was filed last year and how it would impact this petition.

Jerry Schwalbe said the prior petition was to amend a couple of items in the existing zoning. His firm has been in discussions with Liz Axelson from Morris Associates about that and they are not ready to bring that up now. They will come back to the Board regarding that petition at some point in the future. The petition they submitted in August is in full compliance with zoning and only proposes minor changes.

Councilman DeRosa said the second “Whereas” says there is an adjustment in the senior housing but it also changes the office/industrial.

Supervisor Kelly said the Board is really voting on what is in the “Resolved” and felt the resolution could be voted on as is.

Councilman DeRosa said this proposal is not affecting the SEQRA process because that was investigated during the original process.

Mr. Schwalbe agreed with Councilman DeRosa.

Ms. Fusco said the Planning Board started the SEQRA coordinated review last night at their meeting for the entire project. Regarding this petition, they are simply requesting a change in the locations of the designations, just simply changing the lines.

Councilman Upham said he read this several days ago and it looked like there was virtually no change to speak of. There doesn't seem to be any significant environmental effects according to the petition.

Ms. Fusco said there is no change in density or impact, just moving the lines.

ROLL CALL VOTE ON RESOLUTION 2013115:

Councilman Johnson – “ABSENT”

Councilman Montemarano – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly “AYE”

OTHER BUSINESS

Supervisor Kelly expressed concern about the proposed CDBG project as Route 292 is a NYS road. He asked if it would be necessary to acquire property from residents or is there a right of way.

Councilman Montemarano said he is working with Curt Johnson from Zarecki & Associates on this project but it is still conceptual and they hadn't gotten that far yet.

Supervisor Kelly said the Town Board issued a letter to the HWLCA regarding clearing out the thrift shop items and other items within the building. He was at the building the other day and they have yet to remove the items. Town Counsel received a letter from the HWLCA attorney, saying that they have some deeded rights to the building. He has done some research and under the agreement, he does not see where they have any other rights than to meet there, office, storage, kitchen and rest room but nothing to operate a business out of it. He understood it was a sensitive matter but the Board wants to continue improvement projects at that building but the Board can't move forward until the items are removed. He felt the Board needed to talk about it and direct counsel as to how they want to proceed.

Councilman DeRosa said Valor Construction Company, the company who did a lot of work on the building recently, they are supposed to clean the building and they can't complete their work until the building is empty. The Board can't move forward with improvements to that building until it is empty. The Town has spent approximately \$250,000.00 on that building and to continue, they need to have it empty.

Councilman Upham said this is an old problem and the Town has gone out of its way to accommodate the association and he hoped some mutually agreeable conclusion could be reached.

Councilman Montemarano said there have been recent conversations relative to the Recreation Department vehicle. It has been approximately two years since they lost their van to an accident. The Town looked into some used County vehicles, which did not seem suitable. The Town did get \$5600.00 back from the settlement from the damaged vehicle. The Town has a good amount of money in the money market fund and the Recreation Director would be happy to support the purchase of a new SUV or something of that nature. He is researching State bid vehicles and he is looking at a \$20,000.00 to \$25,000.00 vehicle. He would do some research and keep the Board informed as he gets information.

REPORTS

KELLY

Supervisor Kelly said the surveying is underway at the Whaley Lake Dam and adjoining properties and Fuss & O'Neill has brought up a full schedule of activity over the next year on that project. He commended Councilman DeRosa and Vinny DiMarco for making sure the surveyors could get out on both parcels to get the work done. Supervisor Kelly said he is happy to report that Betty Hayner who works for the Recreation Department has decided to retire from the Town of Pawling after 12+ years of service, effective September 30th. He thanked Todd Bender and Jerry Terwilliger for helping Ms. Hayner to take care of the paperwork and make sure she had everything done through NYS Retirement and walk her through the process. He wished Ms. Hayner all the best. Supervisor Kelly said he is working on the 2014 budget and hopefully by the end of the week, he will be sending department heads out their worksheets. The tax cap is set at a 1.66% increase. With a 179% increase in the Workman's Comp policy, that number is going to be very hard to achieve this year. He has spoken to many supervisors throughout the County and we may see a very large number of resolutions to exceed the tax cap this year, because 1.66%, just fuel and utility costs will drive everything up over that number. Supervisor Kelly said Saturday he would be attending Senator Ball's mandate relief roundtable. Senator Ball is bringing in people from the NYS Comptroller's Office to speak to the Supervisors in his district. Supervisor Kelly said there have been some bear sightings in Pawling. One of the bears is a double tagged bear from Connecticut, which was considered a problem bear. The report has been put in all

of the area media. NYS DEC has said a problem bear is not necessary a dangerous bear but people should be careful.

Supervisor Kelly updated the Board on the sewer line, the connection from East Main Street down to the Castagna property. There was a very large meeting about a week ago in the office. Elm Street Partners have officially noticed that they are out of the sewer line and they will submit a letter to remove the petition they submitted regarding creating the map, plan and report and forming the district. The attorneys for the sewer commission are working out a tenancy agreement with Castagna as a "one user".

Castagna has told the Town that they will pay for 100% of the line, the map, plan and report and everything. And the details are being worked out now so when the line is turned on or is given the certificate of occupancy from the Health Department, it will be turned over to the Town of Pawling at no cost to the Town. So Castagna will pay all of the money up front, all of the engineering and all of the work prior to it, and then turn the line over to Pawling. The engineers are working out some issues now and when a draft document is done, he will get it out to the Board. This should be at no cost to the taxpayers. Originally it was going back to the property owners but now Castagna said they would pay 100% of the costs.

Councilman Upham asked if the Town would own it.

Supervisor Kelly said yes. And it could be put in the documentation that the Town will oversee the maintenance of it.

Councilman DeRosa asked if the taxpayers would pay for maintenance.

Supervisor Kelly said he is still talking to the attorneys about that.

Mr. Schwalbe said if a district is formed, then the maintenance would be done through the district.

Supervisor Kelly said the line would have to be dedicated to a district. So Morris Associates is doing the map, plan and report for the district and they actually dedicate it to the district. It would be a district of one. The big thing is that Elm Street Partners has stepped out. Elm Street Partners are asking for a reservation agreement and there is a Sewer Commission Meeting next week where that will be discussed.

DEROSA

Councilman DeRosa said he attended a dinner along with Councilman Upham recognizing the Chamber of Commerce volunteers at the Pawling Mountain Club. He thanked Dr. Bonnano for hosting this every year. Councilman DeRosa said he participated in a conference call with Sara Ritz from Senator Ball's office as he is, for the second year, on Senator Ball's Lake Advisory Board. Many issues were discussed. They are looking for other board members from other lakes in the area. Councilman DeRosa said he recently attended the Castagna site walk. Councilman DeRosa thanked Ed Beauchamp and Cathy Giordano for volunteering and running an excellent Music by the Lake Program this year. There was great weather and Ed did a great job with Cathy's help. That funding is needed for next year as the program was very enjoyable. Councilman DeRosa said he attended the Dutchess County Planning Federation meeting and the SEQRA courses are scheduled for September 24th and is three credit hours.

MONTEMARANO

Councilman Montemarano said the Lathrop roof is being re-tarred and coated and should be done by the end of the week. The beach sand is in, which was approved earlier this year. He felt the foot shower station should be made permanent over the winter. He is helping John Daley, Highway Superintendent with a bid spec, which should be done shortly. He and Mr. Daley have been working on ideas for the Transfer Station and will share those with the Board in the near future.

Supervisor Kelly asked Councilman Montemarano to come up with a figure for replacing the compactor roof and also the Transfer Station attendant building roof.

Councilman Montemarano agreed.

UPHAM

Councilman Upham said GED participation had been doing well but it has fallen off in the last six months and he understands Dutchess Community College may want to cancel it. He will reach out to his friends at the College and he asked Supervisor Kelly to also make some calls to keep the program here in Pawling. Councilman Upham said Music by the Lake was great and commended Mr. Beauchamp. Councilman Upham said the Implementation Committee will meet September 19th and he will be meeting with JoAnne Daley to set up a program for the historic district work. Councilman Upham said the Library has been really reaching out to senior citizens and they are doing great things in terms of the luncheon and he was glad to see that happening.

PUBLIC COMMENT

Ms. Andrea Hunt, Pawling GED teacher said all students she has taught have passed the test eventually. There are three students in her classes now. If there are six, Dutchess Community College will continue the program, if not, they will cancel it.

Vinny DiMarco thanked Supervisor Kelly and Councilman DeRosa for moving forward with the work on the Whaley Lake Dam. The surveying crews will be there tomorrow.

Mr. Larry Oates, property owner in Holmes, asked about a response to his concerns regarding the Schoicket property, which is next to his property. He understood there was an independent study that was going to take place and has not heard from anyone.

Supervisor Kelly said he did return Mr. Oates phone call over the weekend but Mr. Oates did not return his. He was planning on talking to Mr. Oates at that time. There was a meeting with Councilman DeRosa, the Town Attorney and Tom Corrao, Building Inspector and Mr. Corrao has given Mr. Schoicket certain things to clear up, so the details are outlined and they need to be inspected all the way through. This work will have to be done before the Stop Work Order is lifted.

Mr. Oates invited anyone who is interested to come out and see the property, he would be happy to meet with them any time.

Nancy Lawlor, property owner in Holmes, said she appreciated Supervisor Kelly's phone call. She asked if there was a target date for this work to be completed. She asked if cutting down more trees was in the plan Mr. Schoicket has to follow. She asked if Mr. Corrao would be looking at the plans. She asked if there was anything to prevent someone from working 13 hours per day, because this has been going on for years. She said the corrections outlined for Mr. Schoicket could take years to complete.

Supervisor Kelly said he knows of no target dates that are set up. He was not sure how long these corrections would take. Mr. Corrao has given Mrs. Lawlor his personal cell phone number to call when there is a problem. He suggested she call him.

Mrs. Lawlor expressed concern about the smell of diesel fuel and her quality of life. This has been going on for years.

Supervisor Kelly said there is another meeting scheduled for Friday to make sure that problems continue to be mitigated.

Councilman DeRosa said there is nothing that he knows of in the Code to address seven days per week, 13 hours per day working.

Tom Corrao, Building Inspector said in the Town Code, under "Performance Standards", there is a noise ordinance and there are certain times and day's people can work. He would confirm the section of the code tomorrow but he believed Monday through Friday the hours were 7 AM to 7 PM and on the weekends it starts at 8 AM to 7 PM.

There were no further comments from the audience.

EXECUTIVE SESSION

The motion to enter Executive Session was made by Supervisor Kelly to discuss a legal matter at 8:10 PM, seconded by Councilman Upham, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 9:10 PM, seconded by Councilman Upham motion passed unanimously.

The motion to adjourn the meeting was made by Supervisor Kelly at 9:11 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk