

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM September 11, 2013 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 8 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 August 14, 2013 was made by Councilman Johnson, seconded by Councilman Montemarano, motion passed unanimously.

**CONSENT AGENDA**

**Resolution 2013112  
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 20131049 through 20131163, 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 \$237,659.49.

**Resolution 2013113  
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:

Pawling Little League	Sept 1 – Nov 10, 2013	Murrow Park & Dodge Rd
Youth Soccer Referee Classes	Sept. 7 & Sept 13	Lathrop Auditorium
Pawling Girl Scouts	Oct 5, 2013	Lathrop Auditorium
Boy Scouts	Oct 23 & Dec 18, 2013	Lathrop Auditorium
Shore Haven Assoc.	Nov 16, 2013	HWLCA Building

**Resolution 2013116**  
**Squire Green- Lot Line Adjustment**

Whereas, the Squire Green at Pawling Homeowners Association has requested a “Lot Line Adjustment” on Kings Way, and

Whereas, the proposed Lot Line Adjustment is a request for the Town of Pawling to release 3493 square feet of roadway known as Kings Way back to the Squire Green at Pawling Homeowners Association, and

Whereas, the Planning Board after review has granted Concept Approval to said Lot Line Adjustment upon the recommendations from the Highway Superintendent and the Fire Marshall / Deputy Building Inspector, and

Whereas, the Town Board is required to approve any and all release of Town Property, now, therefore, be it

Resolved, the Town Board hereby approves the release of 294.5 feet by 14 feet of Kings Way to the Squire Green at Pawling Homeowners Association as described on a map dated April 10, 2013 as prepared by Zarecki & Associates, LLC.

**MOTION:** Councilman Johnson

**SECOND:** Councilman Upham

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman Montemarano “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**NON-CONSENT AGENDA RESOLUTIONS**

**Resolution 2013117**  
**Appointment of Laborer – Part Time**

Whereas, the Town of Pawling is committed to maintenance and improvements to its physical plant, and

Whereas, the Town of Pawling desires to employ individuals to be involved in the day to day labor to complete such tasks, and

Whereas, the Buildings and Grounds Department has employed Elliott Ludington, now, therefore, be it

Resolved that the Town Board hereby appoints Elliott Ludington to the position of part time laborer for the period of 10/01/2013 to 12/31/2013 pursuant to funds allocated in the Town of Pawling 2013 operating budget.

**MOTION:** Supervisor Kelly

**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman Montemarano “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2013118**  
**#2 Heating Fuel Oil and Service of Oil Fired Heating Equipment**

Whereas, bids were duly advertised and noticed for #2 Heating Fuel Oil and Service Boiler Maintenance Service for the year 2014, and

Whereas, the bids have been reviewed and submitted for the Town Board's review and approval and are on the tabulation sheet attached, now, therefore, be it

Resolved, that the following bids for #2 Fuel Oil be awarded per the specifications within the bid packet to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ per gallon, and the Boiler Maintenance Service bid is hereby awarded to \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ per hour of service work.

Supervisor Kelly said by his calculations, Bottini is the low bidder on fuel oil and Cleveland Plumbing & Heating is low on the burner service.

Supervisor Kelly made a motion to add into the resolution for fuel oil, that it is awarded to Bottini under option one, #2 Fuel Oil JOC Newburgh Terminal plus \$.071 per gallon, seconded by Councilman Johnson.

Councilman Johnson said he did not believe that the bid was written with the intent of separate maintenance, it was either for just oil or for oil and maintenance. For less than 20 hours of service, he would much prefer for a \$5.00 per hour difference, to have the same company who supplies the oil do the service. He felt that way, there would not be any pointing fingers. The Town has had good service with the company in the past and he did not think the Board would be doing a disservice financially to the community.

Councilman DeRosa concurred with Councilman Johnson.

Councilman Montemarano concurred with Councilman Johnson.

Supervisor Kelly withdrew his motion.

Councilman Johnson made a motion to award the fuel oil and maintenance bid to Bottini for the dollar amounts listed in their bid, seconded by Councilman Upham.

Supervisor Kelly said he understood that is the way it is written. He did present this to counsel today and counsel weighed back in and said the RFP should be reviewed but in the terms it is written, it does allow the Board to award the bid in both fashions. He understood Councilman Johnson's comments but he was looking at the bottom line, \$5.00 per hour is what it is.

Councilman Johnson felt in the long run, it could cost more money having someone else service the boilers. Last year, there was 17 hours of boilers service, he would be here looking for work if that is the only way he is making money. And if he starts pointing the finger saying the Town got bad oil or something isn't right, the Board is stuck in the middle with a boiler that isn't working.

Councilman Montemarano said it would be a \$100.00 savings for the season based on the amount of hours last year, which was 16 hours.

**ROLL CALL VOTE:**

Councilman Johnson – "AYE"

Councilman Montemarano "AYE"

Councilman DeRosa – "AYE"

Councilman Upham – "AYE"

Supervisor Kelly – "NAY"

**Resolution 2013114**  
**Intermunicipal Agreement for Shared Services; Assessor**

Whereas, the Town of Pawling has an Intermunicipal Agreement Between the Town Of Patterson, New York for Assessor services which expires on September 30, 2013, and

Whereas, amendments to the current agreement have been offered for consideration by the Town of Patterson, and

Whereas, the Agreement has been reviewed by the Town's legal counsel, who has made recommendations to such amendments, now, therefore, be it

Resolved, that the Town Board hereby approves of said Intermunicipal Agreement with the Town of Patterson, New York regarding Assessor Services and hereby authorizes the Town Supervisor to sign the Intermunicipal Agreement with the Town of Patterson for a period commencing from October 1, 2013, and expiring September 30, 2017, and, be it, further

Resolved, that the Town Board hereby appoints Christopher G. Boryk as the Assessor of record for the Town of Pawling, New York in accordance with the Intermunicipal Agreement.

Supervisor Kelly said regarding Resolution 2013114, he spoke with representative from the Town of Patterson today and requested the Board enter Executive Session.

### **EXECUTIVE SESSION**

The motion to enter Executive Session was made by Supervisor Kelly to discuss a personnel matter at 7:08 PM, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 7:30 PM, seconded by Councilman Upham motion passed unanimously.

### **Resolution 2013114 Intermunicipal Agreement for Shared Services; Assessor**

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

Supervisor Kelly said this Intermunicipal Agreement with the Town of Patterson has been beneficial to the residents of the Town of Pawling. We have saved numerous thousands of dollars on retirement costs, medical benefits and other cost for training, travel and anything associated with that office. He felt Mr. Boryk has done an excellent job with the office, along with his assistant. This is a contract that will serve the residents of Pawling for the next four years.

Councilman Upham agreed, saying he understood Mr. Boryk and his assistant are both doing great work.

### **ROLL CALL VOTE:**

Councilman Johnson – "AYE"

Councilman Montemarano "AYE"

Councilman DeRosa – "AYE"

Councilman Upham – "AYE"

Supervisor Kelly – "AYE"

### **OTHER BUSINESS**

Supervisor Kelly said he and Councilman DeRosa met Monday with Ed Munning, President of the Holmes Whaley Lake Civic Association. They discussed the reasons the letter was written to the HWLCA regarding removal of the items from the building, not just the thrift store but everything in the complete building for the construction projects. They did hear back from Mr. Munning that some of the residents of the HWLCA are not willing to have a date when the building will be empty because they don't agree with the Board's request, nor will even agree to a meeting to discuss it. The reasons the building needs to be emptied were discussed and he understood this was a very difficult situation

but the Board needs to have access to the complete building for future projects and for the 2013 Community Development Block Grant (CDBG) project.

Councilman DeRosa said even to finish the contract with Valor Construction, who recently did a large project at the building, the building needs to be emptied so that the final cleaning can be done by them. That can't be completed until the building is empty.

Councilman Johnson felt the Town Attorney should write a letter referencing the terms of their municipal agreement with the Town. It should also state what the Town's obligations are and explain to the HWLCA that the rules have been bent for a lot of years and the Town appreciates their support but that on a certain date, the Town will be there to remove the stuff.

Councilman DeRosa said the Town is under time constraints with the CDBG and the deadline draws near. The Town wanted to make the building handicapped accessible before Election Day in November and will now miss that goal.

Councilman Montemarano said the Town should make the point that the Town is not trying to kill the thrift shop concept and supports driveway tag sales throughout the year, as weather allows and using the parking area.

Councilman Johnson said the problem is that they need to find a place to store the stuff.

Councilman DeRosa said the Board is open to talking about it but the main thing is to get the building cleaned out and get the work done.

Following further discussion, it was agreed that the Town Attorney would be authorized to write a letter to the HWLCA and give them a deadline to clean out the building, which would be two weeks from the time the Town Attorney sends the letter to the HWLCA.

### **CDBG**

Supervisor Kelly said the Board needs to talk about a CDBG project for 2014.

Councilman Montemarano said he suggested sidewalks along Route 292 but Supervisor Kelly brought up a good point last week, that it is a State Road and he did not have a definitive number on what it would cost to take property for the sidewalk. It could take \$100,000.00 just to obtain the property for the sidewalks.

Councilman Johnson said he would like to pursue the bathrooms at the ballfield's, however he has been advised by Melissa Smith, Recreation Director that something must be done with the bathrooms at the park. In the past, the Town has had issues because of what is attached above those bathrooms. He felt the Town needed to look at these bathrooms with a project that does something with the entire building.

Following further discussion, the following motion was made regarding the 2014 CDBG project:

Supervisor Kelly made the motion that the 2014 Community Development Block Grant project application project be deemed to be the handicapped restrooms at the waterfront at Lakeside Park, seconded by Councilman Johnson, motion passed unanimously.

### **PUBLIC COMMENT**

Vinny DiMarco said regarding the HWLCA having occupancy in the building while construction is going on is a safety issue. It is hard to perform work having items put in the way.

Steve Sollazzo said regarding "The Inn" at Lakeside Park, with the CLG Historic District, there are grants available to rehabilitate them. That building is a historic building and going forward, the CLG Historic Districting could be something to look at. If "The Inn" was restored, it could be Pawling's gem.

### **OTHER BUSINESS**

Councilman Montemarano said the Town has one vehicle that has been in an accident and there should be a determination as to what to do with it. The cost of repairing the Trail Blazer is approximately \$4,300.00, which probably exceeds the value of the vehicle. There is a one thousand dollar deductible and he asked the Board what they would like to do with this vehicle.

Following discussion, it was agreed that Councilman Montemarano and Councilman Johnson would meet and present a suggestion to the Board regarding vehicles.

The motion to adjourn was made by Supervisor Kelly at 7:45 PM In Memory of Kenneth Wilcox, Retired Pawling Highway Employee and In Memory of all of those that lost their lives as a result of the attacks of September 11, 2001, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk