

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM January 15, 2014 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, Montemarano, DeRosa and approximately 3 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 December 4, 2013 and December 11, 2013 was made by Supervisor Kelly, seconded by Councilman Upham, motion passed unanimously.

### **CONSENT AGENDA**

#### **Resolution 2014043 Pawling Joint Sewer Commission Budget for 2014**

Whereas, the Town of Pawling received a request from the Pawling Joint Sewer Commission to approve the 2014 budget, and

Whereas, the Pawling Town Board has reviewed the budget attached to the resolution, now therefore, be it

Resolved, that the Pawling Town Board hereby approves the Pawling Joint Sewer Commission Budget as follows; Revenues in the amount of \$654,171, Appropriations of \$561,689, Bonding Costs of \$92,482 for a total budget of \$654,171.

#### **Resolution 2014044 Payment of Bills for the Town of Pawling**

Whereas, The Town of Pawling Bookkeeper has reviewed and prepared the vouchers and has offered them for review, and

Whereas, the vouchers have been approved in accordance with the Town of Pawling policy, and

Whereas, the vouchers have been numbered 20131606 through 20131693 for year 2013 and vouchers numbered 20140001 through 20140030 for year 2014, 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 \$219,182.89 for 2013 and \$66,394.48 for 2014.

#### **Resolution 2014045 Billing for Pawling Water District #2**

Whereas, Pawling Water District #2 bills need to be approved by the Pawling Town Board, and

Whereas, the bills have been prepared and submitted in the amount of \$14,062.80 for the period of October 2013 through December 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 #2.

**Resolution 2014046  
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 Girl Scouts; Saturday March 1, 2014 – Lathrop Auditorium noon to 6pm
  - a. \* Previously Waived

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

**ROLL CALL VOTE:**

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

**NON-CONSENT AGENDA**

**Resolution 2014050  
Consent Order- APawling Properties**

RESOLUTION AUTHORIZING SETTLEMENT OF APAWLING PROPERTY

WHEREAS, APawling Properties (“Petitioner”) commenced tax certiorari proceedings (the “Proceedings”) challenging the assessments for the years 2012 for real property in the Town of Pawling located at 216 Route 22, bearing Tax Identification No. 134089-7056-00-552214-0000 (“Property”); and

WHEREAS, the Town of Pawling is prepared to enter into a Consent Judgment of settlement and compromise, a copy of which is attached hereto, resolving the Proceedings by reducing the assessed value of the Property as follows:

YEAR	CURRENT ASSESSMENT	SETTLEMENT ASSESSMENT	REDUCTION
2012	\$333,000	\$241,000	\$89,000

and

WHEREAS, the Town Board concludes that it is in the best interests of the Town of Pawling to settle the Proceeding without further costs or risk to the Town on these terms and conditions.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Pawling hereby authorizes the settlement of the Proceedings pursuant to the terms and conditions contained in the attached Consent Judgment; and

IT IS FURTHER RESOLVED that the Town Supervisor, Town Assessor or the Attorney for the Town are hereby authorized to execute and file any documents necessary to effectuate this settlement to consent to the entry of an appropriate court order required to implement this settlement, and to discontinue the Proceedings, with prejudice, including but not limited to the attached Consent Judgment.

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

**ROLL CALL VOTE:**

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

**Resolution 2014051  
Reappointment – Golf Commissioners**

Whereas, the position of Golf Commissioner(s) is an appointed position serving for a three year term and serves at the pleasure of the Town Board, and

Whereas, Michael Kelly & Keith Clarkson have expressed the desire to serve as a Commissioner, now, therefore, be it

Resolved, that Michael Kelly & Keith Clarkson are hereby appointed as a Golf Commissioners for a term of 1/1/14 to 12/31/16.

**MOTION:** Councilman Johnson  
**SECOND:** Councilman DeRosa

**ROLL CALL VOTE:**

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

**Resolution 2014052  
Lead Agency – NYS SEQRA Village of Pawling**

**WHEREAS**, the Village of Pawling Board of Trustees has adopted a resolution initiating the review pursuant to the State Environmental Quality Review Act (“SEQRA”) of the financing, study, design and construction of improvements of the Pawling Joint Wastewater Treatment Plant (“WWTP”) and (“Proposed Action”), which resolution designates the Village of Pawling Board of Trustees as the Lead Agency to conduct the SEQRA review of the improvements; and

**WHEREAS**, the Town Board of the Town of Pawling (the “Town Board”) is an involved agency under SEQRA with relation to the Proposed Action and other related actions; and

**WHEREAS**, the Village Board has delivered to the Town Board Part I of the Full Environmental Assessment Form (“FEAF”) for the Proposed Action and the Notice that the Village Board has designated the Village Board as Lead Agency as provided in 6 NYCRR sec. 617.6 (b)(3)(i), together with a consent form for the Town Board to consent to said designation of the Village Board as Lead Agency; and

**WHEREAS**, the Village Board’s designation as Lead Agency must be confirmed by the Town Board and other involved agencies in time for the final SEQRA resolution and the bond resolution for the Proposed Project to be adopted on or before February 3, 2014 in order to maintain eligibility for financing through the NYS Environmental Facilities Corporation;

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board consents to the designation of the Village Board as Lead Agency for the SEQRA review of the Proposed Project, and authorizes the town supervisor to execute the consent form and cause it to be delivered to the Village Clerk.

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

**ROLL CALL VOTE:**

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

**FURTHER BUSINESS TO COME BEFORE THE BOARD**

**ENVIROLOGIC SETTLEMENT AGREEMENT**

Supervisor Kelly moved the Settlement Agreement between the Town of Pawling and Envirologic of New York, seconded by Councilman Johnson.

Supervisor Kelly said the Board received this in an email and it reflects the terms of what was discussed with counsel and he would like to move this document.

**ROLL CALL VOTE:**

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

**FURTHER BUSINESS TO COME BEFORE THE BOARD**

Councilman Montemarano said the Girl Scouts would like to rehabilitate the Dodge Family Cemetery near the ballfields. They can’t do it without authority from the Dodge family. He would like to get the background work done and try to have the project approved by the Board in February.

The Board agreed.

Councilman Montemarano said he has asked Councilman DeRosa to help him with an assessment of the needs of the Town’s buildings from a standpoint of maintenance, repairs or large scale items. He would like to put an outline together and begin doing work on the buildings.

Councilman Johnson had suggested putting out for public referendum a bond to bring the buildings up to speed and bring us to ground zero, so to speak. The Board will never be able to get this work done with the 2% tax cap in place.

Supervisor Kelly said he would like to meet with Councilman Montemarano first because he has been doing that and it will be part of his “State of the Town” address in February. His intention is to offer a bond to rehabilitate the buildings. He said a bond could be passed by permissive referendum.

Councilman Montemarano said the Town has the option to bring in skilled labor in to do specific projects.

Supervisor Kelly said there is a group of Girl Scouts that would like to get involved in the dog park. He would like the dog park resurrected and wanted to discuss it with Councilman DeRosa and the Board in order to move this forward.

Councilman DeRosa said there is a lot of support for a dog park and a lot of people who want to volunteer.

Councilman DeRosa asked for the Wind Energy and Outdoor Woodburning Furnace proposed local laws to be placed on the February agenda. Councilman DeRosa said he attended the Dutchess County Wastewater meeting in December, saying DCWWA would be putting in a six inch water main which will tie into the existing water system. Councilman DeRosa suggested getting someone to live in the caretaker’s house at Murrow Park in the spring to help with work at the park.

Councilman Johnson said regarding the golf course, he is getting ideas on what to do with the golf course and he will be putting together an RFQ to send out.

Councilman Johnson made a motion to authorize him to submit an RFQ for an operator of the golf course based on a similar contract, terms and conditions as the Town has had in the past, seconded by Supervisor Kelly, motion passed unanimously.

Councilman Upham said the Board has been considering the Employee Handbook update for years. Everyone has copies of the updated handbook. It has been at least ten years since it was last revised, needless to say, there are many changes in New York State law and it is time to get this done.

Supervisor Kelly agreed. He spoke with Councilman Montemarano and he was concerned a lot of his comments were not included in the update. He would draft those comments and put them out in an email

Councilman Montemarano felt there should be a list of everyone’s comments and the Board should decide as a group what should go in and what should not.

Supervisor Kelly said he would send everyone’s comments to the Board and the Board can then vote on what changes they would like to see made to the handbook.

Councilman Upham said the Village is hosting the Historic District Expert Julian Adams on January 21<sup>st</sup>. He felt if the Town was going ahead with the historic districting, it should be done with the Village.

### **PUBLIC COMMENT**

Vinny DiMarco said regarding the Whaley Lake Dam Committee, he would like to set up a meeting for January 22<sup>nd</sup> or January 29<sup>th</sup>. Before that meeting, he would like a conference call to be set up with Mr. Moreschi to get an update on the latest progress that has been made. The Committee hasn’t met in a couple of months and he felt it would be worthwhile to speak with Mr. Moreschi before the Committee meeting. He would like to talk about the next steps and also inform the residents of the district what is going on so that once the level of the lake is lowered, if people want to do repairs to their property, they will know what procedures are necessary.

Supervisor Kelly said he would set up a conference call with Mr. Moreschi.

The motion to adjourn the meeting was made by Supervisor Kelly at 7:55 PM in memory of Town residents Mr. Clark, Mr. Cunningham, Mr. Carpenter, Mr. Kaine and Mr. Hyatt, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk