

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM July 9, 2014 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 23 interested citizens.

PRESENTATION/WORKGROUP STEERING COMMITTEE/NANCY TANNER & BETSY BROCKWAY

The Board entertained a presentation by Nancy Tanner and Betsy Brockway on the Town's green spaces, namely Murrow Park, Lakeside Park and the Holmes Pond Area. They requested that the Town no longer allow the Town's green spaces to exist without a strategic plan and action steps. Mrs. Tanner went over the history of Murrow Park. She asked that the Town Board pass a formal motion, following the presentation, if the Board is in favor of them undertaking this project, to allow the Workgroup Steering Committee to act as an Ad Hoc task force. Mrs. Tanner said she and Mrs. Brockway have met with Councilmen Montemarano and DeRosa to discuss the formation of the Committee and goals moving forward. The Committee would study how best both parks could best meet the Town's recreational needs. She said the Committee has made many suggested priorities and they are in the report dated May 7, 2014, which the Board received. Included in that were an action plan and scheduling to implement many of the recommendations. The Committee will not take on the responsibility for maintenance of the existing facilities. She thanked the Board for all of the work they do to benefit the community.

Mrs. Brockway commended the Town Board for putting a lot of pieces in place for the strategic planning process. She submitted a proposal to the Board and the piece we need to look at is getting more of the community involved to discuss priorities at both parks. Mrs. Brockway said the Board will have the responsibility of fixing up the buildings. The Committee will not give the Board a wish list. Their intent is to develop a wish list and to champion a way to pay for programming ideas. They felt the plan was doable and hoped the process could be done by January for Murrow Park.

Supervisor Kelly thanked Mrs. Tanner and Mrs. Brockway for their work on this. He said the Board can discuss the formation of the Ad Hoc Committee later in the meeting.

FORMATION OF A TRANSPORTATION CORPORATION/CASTAGNA

Mr. Richard O'Rourke from the firm of Keane & Beane, PC, counsel to Jucca and Castagna Realty Corp. was present. The Board has seen a letter dated June 27th as well as the flow chart of where they are in the approval process in terms of the various regulatory agencies. They are moving forward and making considerable progress. They are awaiting approvals from the various agencies. One step along the way is the provision of water for the Castagna Commerce Park. Because there will be more than one owner of the property, health department regulations require that there needs to be a waterworks corporation formed, which is incorporated pursuant to the Transportation Corporation Laws of the State of New York. So such a corporation needs to be formed. What he sent the Board outlines the articles in the corporation. They need the consent of the Town Board so as to move forward with the incorporation of the waterworks corporation. The reason is obviously that the corporation is providing utility service within the geographic boundaries of the municipality. Alex Wong and Jerry Schwalbe from Divney Tung Schwalbe are here tonight to answer any questions the Board may have.

Supervisor Kelly said if the approval comes from Dutchess County Department of Health, Mr. O'Rourke would ask that the Board move this approval in August at the Town Board meeting. This would give the Board time to digest the information and ask any questions they may have between now and then. Terry Stewart, Town Attorney will be issuing a directive as well, basically saying this is part of the Transportation Law and it needs to be done. There are some pieces that need to be fulfilled before the Board approves the document.

Mr. O'Rourke said one of the things that needs to happen in this process is that a building permit needs to be pulled by October 31st so all of these pieces they have been working feverishly on will need to be done and one piece is the formation of the waterworks corporation. That is why they are respectfully requesting that should the

Health Department conclude its review and issue the approval, they would ask the Town Board to approve this on August 13th.

Supervisor Kelly said the Highway Superintendent must also approve this.

Mr. Pete Setaro from Morris Associates, Engineer to the Town asked if a public hearing was required for this.

Mr. O'Rourke said no, there is no requirement for a public hearing.

Mr. Setaro asked if there is any obligation on the part of the Town Board for backup to the waterworks corporation, similar to those requirements of a sewer works corporation.

Mr. O'Rourke said no, there is not.

Mr. Setaro said so there is no future administrative obligation on the part of the Town.

Mr. O'Rourke said that is correct. He said rates are set by the Public Service Commission.

MINUTES

The motion to approve the minutes of June 4, 2014 and June 11, 2014 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

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

CONSENT AGENDA RESOLUTIONS

Resolution 2014075 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 20140753 through 20140928, 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 \$390,914.34.

Resolution 2014081 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 \$14,179.60 for the period of April 1, 2014 through June 30, 2014 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.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – "AYE"

Councilman DeRosa – "AYE"

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Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

NON CONSENT AGENDA

Resolution 2014077

Rejection of Bid / Reauthorization of Bid – HWLCC Elevator Project

Whereas, the Town of Pawling has advertised for a Request for Proposal (RFP) for “Elevator and Alterations to the Holmes-Whaley Lake Civic Center (HWLCC)” for the Town of Pawling, and

Whereas, the RFP for the “Elevator and Alterations to the Holmes-Whaley Lake Civic Center (HWLCC)” in the Town of Pawling was opened by the Town Clerk on Monday, June 30, 2014 at 10:00 AM, and based on the tabulation sheet provided by the Town Clerk only one bid had been received, and

Whereas, based on the guidelines of the Community Development Block Grant Program (CDBG), a minimum of two bids must be received, now, therefore, be it

Resolved, the Town hereby rejects the single bid since a single bid does not meet federal procurement requirements, and will rebid the project based on guidance from Dutchess County Planning (DC Planning) and Dutchess County Central Services (Central Services) on the best method to secure a competitive number of bids, and be it, further

Resolved, that the Town Supervisor is hereby authorized to advertise the “Elevator and Alterations to the Holmes-Whaley Lake Civic Center (HWLCC)” only after DC Planning, Central Services, Town Attorney and the Town Engineer have signed off on the best method to secure a competitive number of bids.

MOTION: Supervisor Kelly
SECOND: Councilman Upham

ROLL CALL VOTE:

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

Resolution 2014078

Award of Bid – Two (2) 30 Yard Open Top Heavy Duty Roll - Off Containers

Whereas, the Town of Pawling has advertised for a Request For Proposal (RFP) for “Two (2) 30 Yard Open Top Heavy Duty Roll - Off Containers for the Town of Pawling, now, therefore, be it

Resolved, that the RFP for “Two (2) 30 Yard Open Top Heavy Duty Roll - Off Containers” in the Town of Pawling was opened by the Town Clerk on Monday, June 30, 2014 at 11:00 AM, and based on the tabulation sheet provided by the Town Clerk and review, the bid is hereby awarded to Custom Container Solution, Lewisburg, PA in the amount of \$11,200 for the project associated with the referenced RFP.

MOTION: Supervisor Johnson
SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “AYE” Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2014079
Authorization to Retain Appraisal**

Whereas, Legal Counsel and the Assessor for the Town of Pawling are currently working on a Tax Certification matter with the Dutcher House, and

Whereas, after many discussions with the petitioner, the two parties cannot come to an agreement on the assessment for 2012, 2013 & 2014, and

Whereas, since no agreement could be made, counsel for the Town attended a conference with the petitioner and Judge Brands, and

Whereas, currently the Town is under order by Judge Brands to exchange appraisals at the next scheduled conference on October 9, 2014, now therefore, be it

Resolved, the Town Board hereby authorizes the Town Supervisor to retain the services of a Real Estate Appraisal for the Dutcher House property.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

**WHALEY LAKE DAM SHORT FORM EAF & ADOPTION OF NEGATIVE
SEQRA DECLARATION**

The Board reviewed the Short Form EAF for the Whaley Lake Dam Rehabilitation project. Following review of the Short Form EAF, it was the consensus of the Board that this action would not result in any significant adverse environmental impacts.

Supervisor Kelly made a motion to authorize the Town Supervisor to sign the Short Environmental Assessment Form as filled in within said document, seconded by Councilman Johnson, motion passed unanimously.

**Resolution 2014080
SEQRA – Whaley Lake Dam Project**

RESOLUTION ADOPTING A NEGATIVE DECLARATION UNDER SEQRA

WHEREAS, the Town Board determined, as set forth in the following declaration dated July 9, 2014, that the Whaley Lake Dam Rehabilitation Project has been declared an Unlisted action under SEQRA, that the proposed action will not have a significant effect on the environment,

WHEREAS, the Town Board of the Town of Pawling has reviewed all available information regarding the proposed action entitled Whaley Lake Dam Rehabilitation, including a Short Environmental Assessment Form prepared by Fuss and O’Neill Engineers, and

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

WHEREAS, on July 9, 2014, 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. - The project will rehabilitate the Whaley Lake Dam, and correct long-standing safety concerns documented by NYSDEC and Engineering Consultant inspections.
2. -The NYSDEC will review and issue required permits for dam rehabilitation, wetland disturbance, and stream disturbance.
3. -The project will utilize construction techniques that minimize disturbance.
4. - Erosion control measures will be installed to mitigate impacts from construction.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

FURTHER BUSINESS TO COME BEFORE THE BOARD

BUNDY HILL ROAD RECLAMATION AND PAVING PROJECT

John Daley, Highway Superintendent said he would like to move forward with the Bundy Hill Road reclamation and paving project in September. The Town Attorney has looked this over and made one small change in the document, which will be made.

Supervisor Kelly asked that the insurance requirements be reviewed by the Town’s insurance agent and updated if necessary.

Mr. Daley agreed.

Supervisor Kelly made a motion to move the Bundy Hill Road Asphalt paving project bid specifications, seconded by Councilman Johnson, motion passed unanimously.

LDS CHURCH PROPERTY

Supervisor Kelly said this property is on the eastern side of the Whaley Lake Dam. The engineers that are part of the Whaley Lake Dam rehabilitation project suggested the Town talk to the LDS church to discuss a purchase of property from them to better access the dam. He spoke with representatives of the LDS church and they are willing to discuss selling a parcel of land to the Town. Supervisor Kelly said he told the LDS representatives he would like to obtain an appraisal first and if they are inclined to sell a parcel of land to the Town, a subdivision would have to be done.

There was discussion as to whether or not the appraisal should be done on a one acre portion of the property or the entire parcel and the Board agreed that the appraisal should be done on the entire parcel.

Supervisor Kelly made a motion to authorize the Town Supervisor to retain the services of a land appraiser to secure an appraisal on the LDS property, the east of the dam property, seconded by Councilman Johnson.

Councilman Johnson felt a Whaley Lake Dam Committee meeting needed to be scheduled. There are topics the Committee should discuss and the Committee should discuss whether the Town should consider purchasing one acre or the entire parcel and report back to the Town Board.

Vinny DiMarco suggested keeping the potential purchase of the property moving forward, and at the same time schedule a Whaley Lake Dam Committee meeting. He would email everyone with meeting dates and schedule the meeting.

The motion passed unanimously.

EMPLOYEE HANDBOOK

Councilman Upham asked that the discussion on the Employee Handbook be moved to August.

The Board agreed.

LAKESIDE PARK BASKETBALL & SKATE PARK AREAS

Councilman Montemarano said some progress has been made over the past couple of years in the areas along Lakeside Drive. The old tennis courts are now open field space and serve as overflow parking for events. Rehabilitating the basketball courts has been approved by the Board. The item that has been up in the air is the area of the skate park. There has been discussion about creating an area for smaller children, fenced in where parents could be with them with activities inside. It would be a place where they could be safe. As the repaving of the basketball courts would commence, if there would be repair to the skate park area, this would be the time to do repair to that blacktop also.

Following discussion by the Board, the Board agreed that the basketball rehabilitation should be done right away, discussion will continue about a modern skate park and Councilman Montemarano should get prices on paving and fencing for the August meeting.

MURROW PARK CARETAKER

Supervisor Kelly made a motion to authorize Ben Myer for a six month term to live in the Chalet at Murrow Park for the amount of \$200.00 per month and 15 hours per week of non compensated service to the Town, seconded by Councilman Johnson, motion passed unanimously.

GAS STATION WORDING CHANGE IN TOWN CODE

Councilman DeRosa said he redistributed the gas station/convenience store change in wording to everyone. It has been approved by Terry Stewart, Town Attorney. He wanted everyone to look at it and possibly move it forward at the August meeting.

MUSIC BY THE LAKE

Councilman DeRosa said he attended Music by the Lake and there were over 400 people there, it was the biggest crowd he has ever seen. It was good to see so many people enjoying the concert. There is another concert this Saturday at 6:00 PM.

IMPLEMENTATION COMMITTEE

Councilman DeRosa said the Implementation Committee is meeting tomorrow night and they are entertaining a presentation by the Town of Dover's IT person Roz Cimino to give the Committee ideas on mapping natural resources.

AD HOC WORKGROUP STEERING COMMITTEE TO TOWN BOARD/PAWLING PARKS & STRATEGIC PLANNING

Supervisor Kelly made a motion to appoint an Ad Hoc Workgroup Steering Committee to the Town Board, based on the presentation tonight for the Pawling Parks/Strategic Planning, seconded by Councilman Johnson.

Councilman Johnson said he received Mrs. Brockway's email yesterday and he would like time to digest it and understand why the Town would redo what has been done once already. He would just like some extra time to review this.

Supervisor Kelly agreed. He said there have been extensive conversations about this over the past couple of months. The Board needs some time to grasp what needs to be done here. He has concerns about trying to get too much input on this and he would like to keep it to a small input group. He felt the Board needed to discuss funding further so he felt more time was needed. He said the Board would entertain this at the August 13th Town Board meeting.

Supervisor Kelly rescinded his motion to appoint the Ad Hoc Committee in order to allow for further discussion and review by the Board.

PUBLIC COMMENT

Vinny DiMarco thanked the Board for their good work. He is happy the Negative Declaration is done for the Whaley Lake Dam. He thanked Supervisor Kelly for keeping on top of the project and contacting the LDS church regarding the purchase of property. He would like to share an existing summer issue with the Board, which is the rope swing issue. It seems that it just never disappears and the community is feeling frustrated because they don't know who to contact to get this matter resolved. The MTA has responded and the DOT has been asked to install a sign that says no parking in that area. But no one seems to have the authority to deal with this issue and the community is feeling stressed about it.

Supervisor Kelly suggested the Board write a letter to NYS DOT requesting signage, the State Police and MTA requesting additional patrols.

The Board agreed.

Mrs. Betsy Brockway said as a grandmother, she was a little concerned about a small child play area on asphalt pavement. She didn't think it was the safest surface for them to play on. The Board might want to think about what the best use of that space is.

Mrs. Nancy Tanner asked about an update on the Akin Hall intersection.

Supervisor Kelly said he has contacted Dutchess County Department of Public Works and they are still reviewing the intersection and looking at different options.

EXECUTIVE SESSION

The motion to enter Executive Session was made by Supervisor Kelly at 8:20 PM to discuss a personnel matter, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 8:43 PM, seconded by Councilman Upham, motion passed unanimously.

The motion to adjourn was made by Supervisor Kelly at 8:45 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk