

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:05 PM August 13, 2014 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Upham and DeRosa and approximately 14 interested citizens. Councilmen Johnson and Montemarano were absent.

MINUTES

The motion to approve the minutes of July 9, 2014 was made by Supervisor Kelly, seconded by Councilman Upham, motion passed unanimously.

CONSENT AGENDA RESOLUTIONS

**Resolution 2014082
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 20140929 through 20141109, 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 \$211,092.75.

**Resolution 2014083
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 \$2,410.40 for the period of May 1, 2014 through July 31, 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 #1.

MOTION: Supervisor Kelly

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “ABSENT”

Supervisor Kelly – “AYE”

NON CONSENT AGENDA RESOLUTIONS

**Resolution 2014084
Award of Bid – Bundy Hill Road Improvement Project**

Whereas, the Town of Pawling has advertised for a Request For Proposal (RFP) for Bundy Hill Road Improvement project, and

Whereas, based on the tabulation sheet provided by the Town Clerk and the material supplied by the respondents, the Town engineer has reviewed the material for clarity and completeness, now, therefore, be it

Resolved, that the RFP for “Bundy Hill Improvements” in the Town of Pawling was opened by the Town Clerk on August 4, 2014 at 10:00 AM, and based on the tabulation sheet and the review process, the bid for Reclamation be awarded to Reclamation LLC in the amount of \$24,288.00 and the bid for Paving is hereby awarded to Clove Excavators in the amount of \$127,494.00 for the project associated with the referenced RFP.

MOTION: Supervisor Kelly

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “ABSENT”

Supervisor Kelly – “AYE”

Resolution 2014085

Approval- Water Works Corporation, Castagna Commerce Park

Whereas, a request has been made for consent to the incorporation, pursuant to the Transportation Corporation Laws of the State of New York by Castagna Wellness Waterworks, Inc., and,

Whereas, the proposed transportation corporation, Castagna Wellness Waterworks, Inc., shall provide water through a system of pipelines and pumps for the Castagna Commerce Parcel, and,

Whereas, the system to be operated by Castagna Wellness Waterworks, Inc. will secure all requisite regulatory approvals, therefore be it

Resolved, that the Town Board of the Town of Pawling hereby grants its consent to the incorporation of Castagna Wellness Waterworks, Inc. and authorizes the Town Supervisor to execute a Certificate to be appended to the Certificate of Incorporation Castagna Wellness Waterworks, Inc. consenting to its incorporation, and be it further

Resolved, that this consent is conditioned upon the approval by the Dutchess County Department of Health of all relevant engineering plans currently under review for this subject property.

MOTION: Supervisor Kelly

SECOND: Councilman Upham

ROLL CALL VOTE:

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

Councilman Upham – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Resolution 2014086

RESOLUTION OF THE COUNCIL MEMBERS OF THE TOWN OF PAWLING AUTHORIZING THE EXECUTION OF A PAYMENT IN-LIEU OF TAX (“PILOT”) AGREEMENT BY AND AMONG THE TOWN OF PAWLING, THE HAMLET AT PAWLING HOUSING DEVELOPMENT FUND COMPANY, INC. AND THE HAMLET AT PAWLING, LLC

Whereas, the Town of Pawling (the “Town”) desires to encourage a sufficient supply of adequate, safe and sanitary dwelling accommodations properly planned for persons with low incomes; and

Whereas, The Hamlet at Pawling Housing Development Fund Company, Inc., a to-be-formed Article XI New York private housing finance law corporation and a New York not-for-profit corporation (the “HDFC”), and The Hamlet at Pawling, LLC, a to-be-formed New York limited liability company (the “Company”), have identified property located at Route 22, Town of Pawling, County of Dutchess, State of New York (the “Land”), for the purpose of construction on the Land of a housing project for persons of low income, said project to consist of: (i) the acquisition of the Land; (ii) the construction thereon of eighty-one (81) units of housing for persons of low income, to be known as The Hamlet at Pawling (the “Improvements”); and (iii) the acquisition and installation therein and thereon of certain machinery, equipment, furniture, fixtures and other tangible personal property (the “Equipment”, and collectively with the Land and the Improvements, the “Project”); and

Whereas, the HDFC will be formed for the purpose of providing residential rental accommodations for persons of low-income; and

Whereas, the HDFC will acquire fee title to the Land, as nominee for the Company, and will convey its equitable and beneficial interests in the Land to the Company in furtherance of the development of the Project; and

Whereas, the HDFC’s and the Company’s plan for the use of the Land constitutes a “housing project” as that term is defined in the Private Housing Finance Law of the State of New York (“PHFL”); and

Whereas, the HDFC is a “housing development fund company” as the term is defined in Section 572 of the PHFL and Section 577 of the PHFL authorizes the Council Members to exempt the Project from real property taxes; and

Whereas, the HDFC will be a co-managing member of the Company; and

Whereas, the Company and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the Town as set forth in the PILOT Agreement presented to the Council Members for approval, now, therefore, be it

Resolved, that the Town Board hereby exempt the Project from real property taxes to the extent authorized by Section 577 of the PHFL and approve the proposed PILOT Agreement by and among the Town, the Company and the HDFC, in substantially the form presented at this meeting, providing for annual payments as set forth in such agreement; and, be it, further

Resolved, that the Town Supervisor is hereby authorized to execute and deliver the foregoing PILOT Agreement on behalf of the Town.

MOTION: Supervisor Kelly
SECOND: Councilman Upham

ROLL CALL VOTE:

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

Councilman Upham – “AYE”

Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Draft

Resolution 2014087
Release of RFP for #2 Heating Fuel Oil and Service of Oil Fired Heating Equipment

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

Whereas, the current contract term runs from October 1, 2013 to September 30, 2014, and

Whereas, the new contracts shall run from October 1, 2014 to September 30, 2015, now, therefore, be it

Resolved, that the Town Board hereby requests the Town Clerk to advertise the Request For Proposal (RFP) for both #2 Heating Fuel Oil & Service of Oil Fired Heating Equipment with a return date of August 28, 2014 at 10:00 am, 160 Charles Colman Blvd. Pawling, NY 12564.

Councilman Upham introduced an amendment to add the word “maximum” before the word markup which appears twice in the document, seconded by Supervisor Kelly, motion passed unanimously.

MOTION: Supervisor Kelly
SECOND: Councilman Upham

ROLL CALL VOTE:

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

Councilman Upham – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Resolution 2014088
Release of RFP
“Improvements to the Motor Fuel Storage Tank and
Dispensing System at the Highway Garage Facility”

Whereas, bids are needed for the planned Improvements to the Motor Fuel Storage Tank and Dispensing System at the Highway Garage Facility Project, and

Whereas, the Town of Pawling has been awarded a Shared Services Grant from Dutchess County Government for the replacement of Motor Fuel Storage Tanks and the Installation of the “FuelMaster” dispensing system at the highway garage facility, and

Whereas, the Village of Pawling was noted in form as a co-applicant as the Town & Village currently engaged in an Intermunicipal Agreement (IMA) for a shared services use of the Town’s Fuel Farm, and

Whereas, specifications have been drawn up by the Engineer to the Town and have been reviewed by the Town Attorney, now, therefore, be it

Resolved, that the Town Board hereby request the Town Clerk to advertise the Request For Proposal (RFP) for Motor Fuel Storage Tank and Dispensing System Replacement Project with a return date of September 5, 2014 at 10:00 am, 160 Charles Colman Blvd. Pawling, NY 12564.

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

Supervisor Kelly explained the benefits of upgrading the fuel tanks and gave an overview of the project, saying that the Village of Pawling and Dutchess County would be able to obtain fuel from the Town of Pawling.

Pete Setaro from Morris Associates gave a detailed explanation of the project to the Board.

Following discussion, Resolution 2014088 passed with the following roll call vote:

ROLL CALL VOTE:

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

Councilman Upham – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Resolution 2014089
Road Name Corrections – Squire Green

Whereas, Counsel for Squire Green Homeowners Association, Inc. has requested that the town road within their development have a correction made to its current posted name, and

Whereas, the dedication of such road to the Town in 2004 was stated to be named as “Kings Way”, and

Whereas the current posted name is “Kings Highway”, and

Whereas, Highway Superintendent John Daley has requested that the Town Board pass a resolution changing the name of the road to that as requested by counsel for Squire Green Homeowners Association, Inc., now, therefore, be it

Resolved, the Town Board hereby renames “Kings Highway” within the Squire Green & Deerfield Ponds Development to “Kings Way”, and, be it, further

Resolved, the Town Board hereby requests the Highway Superintendent to make such changes to the posted sign as soon possible.

MOTION: Supervisor Kelly
SECOND: Councilman Upham

ROLL CALL VOTE:

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

Councilman Upham – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

Resolution 2014090
Planning Board Restoration Bond; “Advance Auto”

Whereas, the Planning Board of the Town of Pawling is currently reviewing the application of Advanced Auto Parts on Route 22, and

Whereas, the Planning Board at their regular meeting of August 4, 2014 has made a recommendation to the Town Board to approve / accept a Restoration Bond in the amount of \$18,000, now, therefore, be it

Resolved, that the Town Board hereby accepts the recommendation of the Pawling Planning Board on the above matters relating to Advance Auto Parts and orders the Restoration Bond to be set in the amount of \$18,000, and, be it, further

Resolved, that the new Restoration Bond shall be filed with the Town Clerk in accordance with Town Law.

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

**Resolution 2014091
Planning Board Release of Restoration Bond; “O.A. Papaleo”**

Whereas, the Planning Board of the Town of Pawling is currently reviewing the application of Advance Auto Parts on Route 22, and

Whereas, the Planning Board at their regular meeting of August 4, 2014 has made a recommendation to the Town Board to approve / accept Release of the Restoration Bond in the amount of \$15,000 in the name of O.A. Papaleo, now, therefore, be it

Resolved, that the Town Board hereby accepts the recommendation of the Pawling Planning Board on the above matters relating to O.A. Papaleo and, be it, further

Resolved, that the Town Board hereby orders the release of the Restoration Bond only after proper notification that the property has been fully and completely transferred from O.A. Papaleo to Advance Auto.

Resolved, that the new Restoration Bond shall be filed with the Town Clerk in accordance with Town Law.

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

**Resolution 2014092
Budget Transfers**

Whereas, budget transfers are needed from time to time for proper accountability, control and operation of a municipality’s budget, now, therefore, be it

Resolved, that the Town Board hereby authorizes the following budgetary transfers:

General Fund

Increase	1910.400A Unallocated Ins.	7,000.00	
Decrease	1940.400A Contingent Acct..		7,000.00
Increase	5132.404A Telephone	750.00	
	Draft		

Decrease 5132.403A Office Supplies		750.00
Increase 9089.800A Medicare Reimb.	10,000.00	
Decrease 9060.800A Health Ins.		10,000.00
Highway – Town Outside Village		
Increase 5130.200DB Machinery-Equip.	60,000.00	
Increase 0599.000DB Appro. Fund Balance		60,000.00

MOTION: Supervisor Kelly
 SECOND: Councilman Upham

ROLL CALL VOTE:

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

Councilman Upham – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2014093
 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 Soccer	9/1/14 to 11/30/14	Location: Town Park Fields 8 am to 8:00 pm
Girl Scouts	10/19/14 or 10/26/14	Location: Lathrop 2 pm to 6 pm

MOTION: Supervisor Kelly
 SECOND: Councilman DeRosa

Supervisor Kelly made a motion to approve the waiver of use for Pawling Soccer from September 1 to November 30 contingent upon receipt of a revised schedule and for only the times and days that are placed on the schedule and with the approval of the Recreation Director and Supervisor of Buildings & Grounds, seconded by Councilman DeRosa, motion passed unanimously.

Supervisor Kelly made a motion to allow the waiver of use and grant the date of October 19, 2014 for the Girl Scouts for their party, seconded by Councilman DeRosa, motion passed unanimously.

**Resolution 2014094
 Setting a Public Hearing – CDBG 2015
 (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 3, 2014 at 7:00pm, at 160 Charles Colman Blvd, Pawling, NY 12564 for purpose of holding a Public Hearing on the 2015 CDBG program.

MOTION: Supervisor Kelly
SECOND: Councilman Upham

ROLL CALL VOTE:

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

Councilman Upham – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

PROPOSED REVISED GAS STATION/CONVENIENCE STORE WORDING

Councilman DeRosa said the gas station/convenience store zoning changes he has been working on for approximately eight months has been reviewed by the Town Attorney several times, the Planning Board and Building Inspector. He has given the Board the final draft and he asked if there were any comments or questions and if the Board wanted to move it forward to the next step.

Supervisor Kelly expressed concern that the proposed wording would allow a convenience store to go in next to another convenience store. He was not in favor of authorizing any action that would hinder an existing business.

Following discussion, it was agreed that Councilman DeRosa and Supervisor Kelly would meet with the Town Attorney to discuss the proposed wording.

TEMPORARY EMPLOYEE/BUILDING DEPARTMENT

WHEREAS, a current town employee is out on extended medical leave and,

Whereas, the Town has previously posted for the position of part-time clerk to be used in various Town departments, and,

Whereas the Building Department needs the services of a part-time clerk at the rate of \$11.00 an hour, and therefore be it

Resolved that the Town hires Jennifer Strehle for the position of part-time clerk effective at a date to be set after the interview process and be it further

Resolved that the hiring of the part-time clerk is pending the final approval of the Dutchess County Department of Human Resources and the interview to be conducted by Councilman Paul Upham.

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

Councilman Upham – “AYE” Councilman DeRosa – “AYE”

Supervisor Kelly – “AYE”

HOLMES POND

Councilman DeRosa thanked JoAnne Daley and Wendel Weber for setting up a schedule to do the work at the Holmes Pond. The members of the HWLCA are very happy that the work is getting done.

MUSIC BY THE LAKE

Councilman DeRosa announced that the last Music by the Lake concert is August 16th. He thanked Ed Beauchamp for doing a great job with this program, the residents enjoy it. He urged everyone to go to the last concert on August 16th.

PUBLIC COMMENT

Vinny DiMarco thanked the Highway Department for the great work they are doing on Bundy Hill Road. Residents on the road are happy with the achievements that have been accomplished. He offered his help to run the machine to break the ledge rock for the drainage work.

Harvey Matcovsky, Pawling Central School Board member, seconded Mr. DiMarco's comments. Regarding the senior citizen housing, he was reading the proposal, which mentions low income and he assumed that somewhere in the document, it would refer to 55+ housing but he did not see it. Regarding Lakeside Park, he recalled that the Town might be getting close to the maturity of the Lakeside Park bond. His recollection was that it was a ten year bond and fully amortized. He suggested the Board look into it and form some sort of committee as to the use of the substantial savings that will accrue to the Town. Mr. Matcovsky said there have been substantial certioraris against the Town and he felt it was important for the Board to look at the tax impact of it. A substantial amount of income has been lost because of the reduction on the Dutcher Land and the nursing home and this will have a substantial impact on the School Board.

Supervisor Kelly said the School Board counsel has been involved with every tax certiorari that has happened this year. Also, the Lakeside Park bond was refinanced a couple of years ago at a very large savings to the taxpayers so the bond has begun a new cycle.

The motion to adjourn was made by Supervisor Kelly at 8:10 PM, seconded by Councilman DeRosa, motion passed unanimously.

Town Clerk