

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM September 10, 2014 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 9 interested citizens.

MINUTES

The motion to approve the minutes of August 13, 2014 was made by Supervisor Kelly, seconded by Councilman DeRosa, and passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “ABSTAINED”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “ABSTAINED”

Supervisor Kelly – “AYE”

PUBLIC COMMENT ON AGENDA ITEMS

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

TOWN CLERK COMMENDATION/REGISTERED MUNICIPAL CLERK DESIGNATION

Supervisor Kelly made a motion to amend the agenda to present a commendation, seconded by Councilman Upham, motion passed unanimously.

Councilman Johnson read the following commendation and presented it to Catherine Giordano, Town Clerk:

COMMENDATION

CATHERINE GIORDANO REGISTERED MUNICIPAL CLERK

Whereas, Cathy Giordano has served in several positions in the Town of Pawling government prior to becoming Town Clerk in 2005, and

Whereas, Cathy Giordano has been a member of the New York State Town Clerks Association since being elected to the position of Town Clerk, and,

Whereas, the New York State Town Clerks Association was founded in 1982 and is dedicated to promoting the professional development of Town Clerks throughout the state of New York, and,

Whereas, the New York State Town Clerks Association has a Registered Municipal Clerk (RMC) program that recognizes the impact of technology and rapid social change on local governments, and

Whereas, Cathy Giordano has adapted to such changes while also meeting all of the requirements leading to the certification as a Registered Municipal Clerk, and

Whereas, Cathy Giordano has agreed to the stringent guidelines and code of ethics required to receive the Registered Municipal Clerk designation, now, therefore be it

Resolved that the Town of Pawling, by its elected town board, hereby recognizes the hard work and dedication displayed by Cathy Giordano in the process leading up to the certification to become a Registered Municipal Clerk.

Presented this 10th day of September, 2014 by the members of the Pawling Town Board

Town Clerk Cathy Giordano thanked the Town Board for the Commendation and acknowledging this achievement.

CONSENT AGENDA RESOLUTIONS

Resolution 2014092 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 20141110 through 20141230, 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 \$149,120.34.

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:

- | | | |
|---------------------------------|---------------|-----------------------------------|
| 1) Pawling Chamber of Commerce; | Lathrop | Sept. 13 10am to 4pm |
| 2) Tourette Synd. Association | Lathrop | Sept 21 6am to 5pm |
| 3) Pawling Rotary | Lathrop | Every Tuesday 11am to 1:30pm |
| 4) Boy Scouts | Lathrop | Wednesday's 7pm to 9pm |
| 5) Boy Scouts | Lathrop | Wed 10/15 & 12/17 7-9pm |
| 6) Pawling School Dist. | Lakeside Park | Tennis & Cross Country Course |
| 7) Pawling Rotary | Lathrop | Nov. 15 th 12pm to 6pm |

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

NON CONSENT AGENDA RESOLUTIONS

**Resolution 2014094
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 2015, and

Whereas, the bids have been submitted for the Town Board’s review and tabulations have been provided by the Town Clerk, now, therefore, be it

Resolved, that the following bids for Service of Oil Fired Heating Equipment are hereby rejected as each Public Works Project shall provide the Prevailing Wage pursuant to NYS Department of Labor Laws, and, be it further

Resolved, that the Town Board hereby authorizes the Town Clerk to release a bid for Service of Oil Fired Heating Equipment on Monday, September 15, 2014 with a return date of September 30, 2014.

Supervisor Kelly said he added Resolution 2014094, which would reject the service of oil fired equipment pursuant to the prevailing wage clause that should be in the bid packet but was not and is something the Town hasn’t done before. The Town should be complying with NYS Dept. of Labor laws. The resolution allows the Town Clerk to re-release the bid with the prevailing wage clause in the bid packet on September 15th with a return date of September 30th and the Board can award it at their October 1st meeting.

Councilman Montemarano said according to NYS Dept. of Labor laws, the prevailing wage applies to drivers of fuel oil trucks also so the entire bid should be re-done.

MOTION ON RESOLUTION 2014094: Supervisor Kelly
SECOND: Councilman Johnson

Councilman Johnson said he is still a strong proponent of whoever you purchase your oil from you have service your boiler. He would rather have a bid go out that includes both.

Councilman Montemarano agreed with Councilman Johnson, saying both oil and service should be rejected and do the entire bid over including prevailing wage.

Councilman DeRosa agreed with Councilman Johnson also, saying he would like to see the service and fuel supplier be the same.

Councilman Johnson said he wants to see one bid from an oil company that provides service and oil. It is the same discussion the Board has had in years past. So the Board needs to reject both bids and rebid.

Following discussion, Supervisor Kelly introduced an amendment to the first “Resolved” that the Board reject the bid for service of oil fired heating equipment and #2 heating fuel oil JOC Newburgh terminal + _____, seconded by Councilman Johnson, motion passed unanimously.

ROLL CALL VOTE ON RESOLUTION 2014094:

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

Resolution 2014095
Award of #2 Heating Fuel Oil Bid

Whereas, Bids were duly advertised and noticed for #2 Heating Fuel Oil, and

Whereas, Bids have been submitted to the Town Board for review and a tabulation sheet has been provided by the Town Clerk, now, therefore, be it

Resolved, that the following bid for #2 Heating Fuel Oil be awarded per the specifications within the bid packet to Bottini in the amount of \$.062 above JOC Newburgh Terminal pricing.

Supervisor Kelly said Resolution 2014095 is null and void.

Resolution 2014096
Award of Bid for - "Improvements to the Motor Fuel Storage Tank and Dispensing System at the Highway Garage Facility"

Whereas, bids were duly advertised and noticed for Improvements to the Motor Fuel Storage tank and Dispensing System at the Highway Facility, and

Whereas, the bids have been reviewed and submitted for the Town Boards review and approval and are on the tabulation sheet attached, and

Whereas, the bids have been reviewed by the Engineer to the Town, now, therefore, be it

Resolved, that the following bids for Improvements to the Motor Fuel Storage tank and Dispensing System at the Highway Facility to _____ of _____ in the amount of \$_____ .

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

Supervisor Kelly said he asked Pete Setaro, engineer from Morris Associates to come here this evening and answer any questions the Board may have. Supervisor Kelly said his office applied for a joint grant with the Village of Pawling to make improvements to the fuel facility and the estimate at that time was nearly \$70,000.00. Since then, the scope of the project has increased.

Mr. Setaro explained the changes to the project, saying the tank sizes had been increased, which requires a larger concrete pad, and he explained some other changes. He reviewed the bid results with the Board. Mr. Setaro expressed concern regarding the Town purchasing the Fuel Master System verses the contractor purchasing the system, saying this could create problems with warranty issues for the Town if they should purchase the system. Mr. Setaro said the cost for preparing the bid documents would be approximately \$2,500.00, where he thought \$5,000.00 was allocated.

Councilman Johnson asked Supervisor Kelly where the remainder of the money would come from to pay for this project after the grant monies were received. He asked what the price for the Fuel Master System was.

Supervisor Kelly said this project could be paid for from fund balance. He said one of the questions is whether the Town should purchase the Fuel Master System from State bid or allow the contractor to purchase the system.

Following discussion, it was agreed that Mr. Setaro would check the price of the Fuel Master System for the Board and check references of the low bidder and Supervisor Kelly would discuss the increase in the price of the project with the Village before the Board moves forward with awarding the bid.

The motion to table Resolution 2014096 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

Resolution 2014097
Award of Bid for Holmes Whaley Lake Civic Center Elevator & Alterations

Whereas, bids were duly advertised and noticed for the Holmes Whaley Lake Civic Center Elevator & Alterations, and

Whereas, the bids have been submitted for the Town Board's review and tabulations have been provided by the Town Clerk, and

Whereas, the bids have been reviewed by the Town Engineer, now, therefore, be it

Resolved, that the following bids for the Holmes Whaley Lake Civic Center Elevator & Alterations is hereby awarded to:

- 1) Section A: Valor Construction in the amount of \$129,000
- 2) Section B: Valor Construction in the amount of \$59,500
- 3) Section C: Valor Construction in the amount of \$7,800
- 4) Section D: Valor Construction in the amount of \$13,800
- 5) Section E: Valor Construction in the amount of \$9,800

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

Councilman DeRosa said the paving of the parking lot was supposed to be funded by the East of Hudson Coalition. He asked if that portion of the bid should not be awarded in order to wait for EOH funding.

Supervisor Kelly said the paving could be done with this project and the Town could ask EOH to reimburse the Town for the paving later.

Following discussion, the Board agreed to leave the paving in this project and either have the paving done by EOH in the spring or ask for reimbursement when it is complete.

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

Supervisor Kelly said he met with Nancy Tanner and Betsy Brockway to discuss Murrow Park and Recreation programs. Mrs. Tanner and Mrs. Brockway said they would meet with the Community Foundation to see if they would be interested in this project. The Lyons Club was originally interested in it but the Lyons may not be a viable club given the number of membership.

CDBG 2015 PROJECT

The Board discussed potential projects for the 2015 Community Development Block Grant application. Following discussion, it was agreed that the Board would mull over the projects discussed and decide at their next meeting which project to move forward with.

PISTOL CLASS AT HWLCA BUILDING

Councilman DeRosa said there is a pistol class at the HWLCA building on September 26, 2014 at 5:30 PM. He felt this was something the Board should know about.

Supervisor Kelly said he would check into the facility use requests and see if this was approved.

GAS STATION/CONVENIENCE STORE WORDING

Councilman DeRosa said Terry Stewart, Town Attorney is willing to come to a Board meeting and discuss the proposed wording changes with the Board and go over the history of the previous wording.

Supervisor Kelly said Mr. Stewart is away next week and he and Councilman DeRosa could meet with him when he returns.

WHALEY LAKE DAM

Councilman DeRosa said the Whaley Lake Dam Committee is trying to get an appraisal for the parcel on the east side of the lake, the parcel belonging to the Latter Day Saints. The Committee is also waiting to get the triangle delineated with stakes. The Committee is also waiting to get the driveway and wetlands staked in order to begin work there.

Supervisor Kelly said he received the Benko revision to the property and emailed Fuss and O'Neill to see when they can get out there to stake out the property. Also, the appraisal should be coming back soon.

Councilman DeRosa said Zarecki & Associates has all of the baseline information and they should be doing the surveying. It would cost the district less if they did the surveying.

Supervisor Kelly said he would speak with Fuss and O'Neill regarding the surveying and who should do it.

LAKESIDE PARK BASKETBALL COURT RENOVATIONS

Councilman Montemarano said the Board spoke last week about the basketball court renovations. He said a lot of work can be done in house and he would be getting bids for all work that cannot be done in house. The fencing would be done in stages and the Board agreed that the fence should be six feet high.

Supervisor Kelly said there is \$135,000.00 in the Triathlon fund, which can be used for this project.

PUBLIC COMMENT

John Daley, Highway Superintendent said the new furniture containers arrived on Monday and they look good and were much needed. He discussed the truck body with the Board last week, he assumed he could go ahead with the bid.

The Board agreed Mr. Daley should go ahead with purchasing the truck body.

Vinny DiMarco thanked the Board for all of the hard work they do on all of the different projects they work on. He thanked Supervisor Kelly for doing a lot of behind the scenes work regarding the dam. He thanked Councilman DeRosa for staying on top of things and moving the project forward. He agreed it was time to move this project forward with the surveying and appraisal. He said he is very impressed with the improvements being done at the HWLCA building. Regarding the purchase of the Fuel Master System, he felt it was best if the contractor purchased the equipment so that they are responsible for the warranty.

Peter Cris, President of the Pawling Chamber of Commerce thanked the Board, Melissa Smith, Recreation Director and Wendel Weber, Supervisor of Buildings & Grounds for all of their support for the Circles of Healthy Expo, which is this Saturday from 10 AM – 4 PM. There will be 30 participants and he hoped everyone would stop by.

Steve Sollazzo said regarding The Inn at Lakeside Park, the NYS CLG program is a State funded program which has funds available for projects like this. It might be something to look into. The Town has a progressive Comprehensive Plan, which has a time line on certain things which the Implementation Committee is supposed to be working on.

The motion to adjourn was made at 8:25 PM by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk