

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM March 11, 2015 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Upham, DeRosa and approximately 15 interested citizens. Councilman Montemarano was absent.

PRESENTATION OF COMMENDATION/CAITLIN GALVIN GIRL SCOUT GOLD AWARD

Councilman Johnson presented the following Commendation to Caitlin Galvin for her Girl Scout Gold Award:

WHEREAS, Juliette “Daisy” Gordon Law held the first meeting of the Girl Scouts on March 12, 1912, and,

WHEREAS, Caitlin Galvin joined the Girl Scouts ninety-one years after Daisy Gordon Law gathered the first girls together in Savannah, Georgia, and,

WHEREAS, Caitlin Galvin has demonstrated that she lives by the principles of the Girl Scout Promise and the Girl Scout Law, and,

WHEREAS, Caitlin Galvin desired to empower young girls while working on her Gold Award, the highest achievement in Girl Scouts, and,

WHEREAS, Caitlin Galvin chose to develop a program that helps young girls understand the importance of a good self-esteem, and,

WHEREAS, Caitlin Galvin completed the project for the benefit of countless young ladies that will follow after her, and,

WHEREAS, Caitlin Galvin has since graduated from Pawling High School and has taken her skills with her to The State University of New York at Oswego, therefore, be it

RESOLVED, that Caitlin Galvin be honored by the Pawling Town Board and all of the residents of Pawling for her Girl Scout Gold Award.

Presented to Caitlin Galvin, Gold Award Recipient, on this 11th day of March, in the year 2015.

STATE OF THE TOWN ADDRESS

Supervisor Kelly presented the following “State of the Town Address”.

Distinguished members of the board, madam town clerk, and members of the community that are here with us this evening...I am honored to present you with my 2015 State of the Town address.

Challenge is defined as a call or summons to engage in any contest, as of skill, strength, etcetera, etcetera. Those of us that have chosen to enter public service know of the many challenges that we face on a daily basis.

My time in public office has helped me realize that I am responsible for the safety and well-being of two families.

Two families, you ask?

The **first** is my family with my wife Julie, our two sons, Ethan and Casey, and our two pets, Daisy Mae and Nothing...**Yes...my cat’s name is Nothing!**

My **second**, extended family, is the Town of Pawling.

As a few of you know, I spend a substantial amount of time working for the benefit of both families.

Time, and time, and time again, I have risen to the challenges before me.

During my tenure as a *Village Trustee*, I faced the challenge of weighing the benefits of a small police department versus the tax burden on the residents. *The decision to disband the police department was not an easy one. The safety and well-being of the residents needed to come first!* The crime rate in Pawling is low, thanks to the Dutchess County Sheriff's Office, the Drug Task Force, and the New York State Police... *residents are still safe and secure...* with no added financial burden.

As a County Legislator, I faced numerous challenges.

Two stand out: the building of a **capable 911 system... from the ground up....**, and working to get assistance with the Whaley Lake Dam. I accepted both of those challenges with great enthusiasm, and the benefits are being realized on a daily basis.

As a *Town Board member*, the challenges continued. Everyone here is aware of the issues that arose early on, including being asked to serve as Deputy Town Supervisor, prior to actually taking office.

I PERSERVERED!

The decision to seek the office of **Supervisor** was not an easy one. I could not have done it without the support of my wife and children... *with their blessing....*

I RAN! With the support of the community....I WON!

The challenges still present themselves on a daily basis. *My office is handling them!* Be it requests from employees, the public, or other governmental agencies, my office is working diligently to get the tasks done... *without placing a burden onto the taxpayer.*

I mention the burdens on taxpayers because it is something I am faced with every day. Our state legislators, *shielded by the dome of the capitol*, hand out challenges to local governments on almost a daily basis. These challenges come in the form of "*unfunded mandates*"and bureaucratic mazes. The latest mandate that is siphoning time from municipal leaders across the state is the "Government Efficiency Plan". This plan is supposed to be submitted to the State on June 15th. **Unfortunately....** there is no way to submit this plan.... *because the State's Budget Office has not provided the instructions or requirements.*

Another time consuming challenge is the **Flood Hazard Mitigation Plan**, even though our current plan is not due to be updated until June of next year....we are being encouraged to join the new Dutchess County Plan. The Town will be forced to comply with this plan to make ourselves available for FEMA monies should we face another natural disaster like Super Storm Sandy. If our plan is not updated, we can't get FEMA monies.

Because of our proximity to New York City, my office is also challenged by the NYC DEP. The Heightened Water Regulations, when combined with the Tax Cap, Tax Freeze, and Circuit Breaker Legislation, cause me to spend countless hours on programs created by the state, *yet paid for locally*. The list of mandates is extensive and I will not bore you with them this evening....

Rest assured, my office works tirelessly to rise to the challenges presented, and keep the burden off our taxpayers.

As the Vice-President of the Dutchess County Supervisors and Mayors Association, I work with my colleagues throughout the county to protect the interests of our towns, cities, and villages. *Local governments are reaching the breaking point with the unfunded mandates and it needs to stop!!!*

There is good news in this address, and I will start with our 2014 numbers. When the revenues are compared to expenditures at the end of 2014, **THE BUDGET IS IN THE BLACK!!!**

My years of developing budgets for both Dutchess County and the Town of Pawling provided great insight on how to keep expenditures lower than revenues. The years of knowledge helped me craft a budget, with the help of Jerry Terwilliger, that kept the Town under the tax cap *and*

kept expenditures under revenues by a mere \$2177.83. This nominal difference is where the tax cap being touted by state officials is going to crush local governments. ***This Albany campaign fodder is going to have negative effects over time!!!***

Back to more good news...the Technology BAN was paid off early which saved taxpayer dollars by eliminating interest and legal fees. Furthermore, the remaining proceeds from the BAN will pay for the new computers that are on their way. **Proactive budgeting like this helps me save you money!!!**

Responsible management of taxpayer dollars is a challenge that I face every day. The residents of Pawling work hard for their money and I have been challenged by them to spend it wisely. There are daily requests for expenditures that arrive on my desk. They are a normal part of the budget preparation each year, ***but occasionally... they arrive with very poor timing!*** I have to debate and decide if they are a **want**, or a **need**. The **needs** are put to the forefront for consideration, and the wish lists are set aside, not discarded, nor forgotten.

I stand here tonight to challenge department heads and board members alike...Major purchases need to be addressed during budget preparations... unless it is an unforeseen emergency! We need to protect the tax money that has been entrusted to us.

As I eluded to earlier, the 2014 fiscal year was one of the tightest years of my administration. Preliminary reports indicate that we moved very little money to the fund balance in 2015. Overall, 2014 saw 98% of our budget lines being under-spent. Vital negotiations between **my office** and Dutchess County for snow and ice removal covered what would otherwise be budget shortfalls in certain areas.

Planning is an integral part of effective government. ***Proper planning gives us the opportunity to provide services to the taxpayers without breaking the bank.***

A few short years ago, the Town hired a new **IT consultant**, Sullivan Data Management. Working with Mr. Sullivan and his staff, we developed a plan to replace the electronic backbone of the Town. We have installed new servers, data is backed up on and off site, ***and in some cases***, backed up for a third time. This year will see the arrival of several new computers to increase the efficiency of our employees. We have also made a shift to centralize printing in town hall, thereby decreasing our dependence on costly desk-side printers and expensive toner. As a benefit to staff and residents alike, we are also increasing the amount of Town documents that are stored electronically. I commend the town board for making well-informed decisions that allowed this plan to be implemented.

I will continue my efforts to give the town board all of the tools necessary to make good decisions. We had a very busy year with many different projects for the betterment of the Town....**New basketball courts** at Lakeside Park....**new elevator and other improvements** at the Holmes-Whaley Lake Civic Association Building....**the FuelMaster** system....**major renovations to the ball fields and teen center**....the purchase of two **new trucks and a wheel loader**....and a **signed contract with the Teamsters**. What makes these accomplishments even more impressive is that they were completed with cash on hand, short-term financing, or grant monies in partnership with Dutchess County and County Executive Marcus Molinaro.

Services to our residents has always been a priority of mine. In addition to keeping taxes as low as possible, I have also challenged our recreation department to come up with ***new programming for our community***. Working with the department while crafting my 2015 budget, I encouraged more day trips to local treasures...***most of them right here in Dutchess County***. The recreation department will be scheduling bus trips to the following:

FD Roosevelt Presidential Library

Eleanor Roosevelt's Val-Kill

The Vanderbilt Mansion

and the newest gem in the valley...

The Walkway over the Hudson. My commitment to recreation can also be found in the additional funding for more clay at the ball fields to improve the facilities.

Yet another exciting addition will be the portable ice rink coming to Lakeside Park. If this winter was any indication, we should have no problem keeping ice in the rink.

Moving from thoughts of ice to dreams of warmer weather...*golf season is almost here!* The 2015 season will bring with it some exciting changes for the Dutcher. As you all know, the storied course is the oldest municipally-owned 9 hole course in the country...and starting this year, it will be run by Town employees. The 2015 budget did not include a rate increase for greens fees. This initiative, coupled with a new management system has great potential to increase the amount of rounds played, which will lead to increased revenues for the Town. The progress we have made is noticeable and I would like to continue this momentum. As you look around this room, you will see some fresh paint and new trim. ***This is the start of some much-needed sprucing up.*** You will notice that there is currently no artwork hanging in this room ***That will change next week....***In cooperation with **Arts East and Rebecca Tocci**, a local photographer, I am instituting a revolving arts display right here **in this room.**

Town hall is not the only building that will be getting some much-needed attention. We have several buildings in our inventory that need a **substantial** amount of work. In the Building and Grounds budget, Maintenance of Buildings line, there was a mere \$24,000 in 2013, rose to \$28,000 in 2014, and currently sits at \$35,000 this year. This amount was submitted as part of the 2015 Tentative Budget to **fill a NEED. The repair and maintenance of our facilities is a NEED...not a want!** We have twenty or so buildings in our inventory **We cannot afford to let them continue to decay.** We need to make them safe for all who use them.

During my tenure as a **county legislator**, I developed many capital project plans. At that time, they weren't mandated by New York State government. **Times have changed!** This **plan... is now a mandate!** **Yes!..... another unfunded mandate.** Each municipality is now required to adopt a five-year plan in 2015.

To keep moving forward..... **I present to you the Town of Pawling Five-Year Capital Project Plan, in draft form.**

This plan covers every facility owned and operated by the Town. With the help of the **Engineer to the Town; Peter Setaro**, of **Morris Associates**, we have set forth a comprehensive plan. As per the requirements, I will present a resolution in May to adopt such a plan. **I will remind you that this is only a plan...a mere set of guidelines.**

We have to adopt the plan, **but**, its implementation is at the discretion of the board. I ask that Councilman Montemarano and my head of Buildings and Grounds; **Wendel Weber**, meet with me in my office on **March 26th at 2:15** to discuss the plan at length, and make a recommendation to the town board at our May meeting. The plan offers an extensive list of projects to consider as well as the timeline, for inclusion in the bond proposal. I look forward to moving this along.

I am challenging my colleagues on the town board to start this plan off properly. In order for this to be accomplished, I ask the following of each of you:

- 1) **Read through the document, in its entirety.**
- 2) **Highlight the projects in order of importance.**
- 3) **Add or remove projects based on your knowledge.**
- 4) **Be prepared to enter a thoughtful debate on the merits of each project.**

For planning purposes, I suggest that we enact the first three years of the plan. This will allow us the chance to accomplish some of the smaller undertakings while allowing us to plan, design, and award projects that require formal bidding. I will work with bond counsel to cover all of the regulatory adopting requirements on an "as needed" basis.

While all of this is taking place, **we cannot lose sight of the largest construction project that this Board will ever face...the reconstruction of the Whaley Lake Dam.**

Years and years of planning, setbacks, and negotiations, are about to come to fruition. As the project takes its final shape, there will be regularly scheduled meetings to address specific necessary actions. I suggest that each of you keep your Wednesdays open for potential meetings so that we can keep this enormous task on target.

Challenges.... I have risen to many, and presented several to you this evening. I encourage all of you to rise to the challenges presented...and help me work for the benefit of our

taxpaying family. The responsible path I have carved, has allowed us to stay financially healthy, while providing new opportunities for our family, friends, *and friends that we haven't met yet.* **With your active participation,** we can accomplish **great things** for Pawling. *I ask that you take this journey with me.*

Thank you.

PUBLIC COMMENT ON AGENDA ITEMS

Vinny DiMarco said he would like to make comments on establishing ownership of the Whaley Lake Dam parcel. He is in favor of it but by taking ownership of the dam, the Town and taxing district residents are open to possible liability. The liability he is referring to is the cost of insurance more than anything else. The insurance issue would be after the Town takes ownership of the dam parcel and without having a dollar amount for insurance, it concerns him. He felt that when the Town took ownership, they must be ready to begin construction. There are some challenges ahead with this project and there is a lot to be considered. He thanked Supervisor Kelly and the entire Town Board for saving the district a lot of money with their involvement on this project.

MINUTES

The motion to approve the minutes of 2/4/2015 and 2/11/2015 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

CONSENT AGENDA

Resolution 2015051 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 201500169 through 201500331, 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 \$1,546,706.95.

Resolution 2015053 Planning Department - Refund Escrow Account

Whereas, the Planning Board on February 17, 2015 has passed a motion unanimously to release \$556.40 escrow balance to Christopher Johnson, and

Whereas, it has been confirmed by the Code Enforcement Officer and the Planning Department secretary that there are no outstanding bills or future actions for review on said account, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby accepts the recommendation of Pawling Planning Board and hereby authorizes the refund of the balance of the escrow account in the name of Christopher Johnson.

MOTION: Councilman Johnson
SECOND: Supervisor Kelly

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “ABSENT”

Supervisor Kelly – “AYE”

NON CONSENT AGENDA

**Resolution 2015054
Whaley Lake Dam Parcel**

WHEREAS, the Town of Pawling, Dutchess County, New York (the Town), has undertaken to repair the Whaley Lake Dam, located in the Town, and,

Whereas, it has been discovered that the property upon which the Whaley Lake Dam is situated, belongs to the County of Dutchess, and,

Whereas, it is necessary for the County of Dutchess to transfer said property to the Town of Pawling so that repairs can be initiated, and,

Whereas, Dutchess County has requested that the Town of Pawling indicate its willingness to accept said parcel from Dutchess County, for ten dollars (\$10.00) and other good and valuable consideration, now, therefore be it

Resolved, that the Town of Pawling does hereby request that the County of Dutchess transfer the above referenced Whaley Lake Dam parcel to the Town of Pawling.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

Councilman Johnson said he echoed Mr. DiMarco’s concerns and since being involved, he understood there were several obstacles that currently stand in the way of taking the next big step forward to the beginning of construction, acquisition of the two properties, permitting including putting out the bid to get the road built. He felt these were things that needed to be accomplished so the Town will have the ability to instantly lower and dewater the dam when they take ownership and begin work. He asked if this process is stoppable or reversible if the resolution is moved tonight.

Supervisor Kelly said his feeling is that the Town is asking the County to enter into the Supreme Court process to take title, and by doing that the Town is asking them to move forward with the process so the parcel is transferred to the Town.

Councilman Johnson said his concern was that the lake could be dewatered for a year or longer without construction beginning in order to keep the insurance at a price that doesn’t bankrupt the district. These are his concerns.

Supervisor Kelly said he understood and they are valid concerns. It comes down to a time where the Town has to say they are going forward with the project.

Councilman DeRosa said now that the road is being built, they have to get separate NYS DEC permits for the work that will be done on the road and he did not think that had taken place yet. The process could take another month or two before the road project is ready to go out to bid.

Councilman Johnson asked if the REM process of taking property happens once a year or can it happen other times of the year.

Supervisor Kelly said the process happens once a year. The process happens now and title would be taken in July.

Councilman DeRosa asked if this could be put off for another month.

Supervisor Kelly said he did not think there was time. At the informational meeting a couple of weeks ago on this project, he made it clear that if the Town needs to take the property and some of the pieces of the puzzle were not in place, the level of the water may have to be lowered to reduce the Town’s liability. He understood there were still some other issues but

things are moving forward. There are some hurdles but does the Board want to wait another year on this. That would hold up the project an entire year.

Councilman DeRosa said he did not see everything being done in four months.

Supervisor Kelly said he was in favor of moving forward with this.

Following further discussion, Supervisor Kelly offered the following amendment:

BE IT FURTHER RESOLVED that the Town Board of the Town of Pawling hereby accepts a \$10.00 donation from the Town Board to pay for the cost of acquiring the dam, seconded by Councilman Upham, motion passed unanimously.

Resolution 2015054 passed with the following roll call vote:

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “ABSENT”

Supervisor Kelly – “AYE”

**Resolution 2015052
Facility Use Requests - Waiver / Fees**

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 Town Board sets the fees for the use of facilities, now, therefore, be it

Resolved, that the following fees, reduction, or waiver(s) have been authorized by the Town Board:

Pawling High School (Golf Team)	1) Dutcher Golf Course 2) Lathrop- Green Lounge	Opening of Course to June 2015- Waive Mid-March to Course Opening - Waive
Trinity-Pawling School	Dutcher Golf Course	Opening of Season to June 2015- Waive
Central Baptist Church	Lakeside Park	April 5, 2015 (5:45AM)- Waive
*Kerrienne Wendover	Lakeside Park	August 8, 2015 (11am to 5:30pm) – Waive Pavilion Fee, Charge Constable fees of \$151.91 for six (6) hours of coverage (noon to 6pm) & eight hours for required Staff \$155.71 (10am to 6pm), Plus Ambulance fees of \$232.62 for 6.5 hours of coverage.
Pawling Girl Scout	Lathrop Auditorium	April 25, 2015 - \$50.00
*Pawling Chamber of Commerce	Town Hall	April 21, 2015 (5pm to 9pm) – \$50.00

Fee Structure adopted 1/7/15 by Town Board

“NOTE:

- 1. Fees may be changed or waived at the absolute discretion of the Town Board.*
- 2. Events with 300 or more attendees require ambulance, constable(s) and a Member(s) of the Buildings and Ground Department during the time prior to, during and after the event for coverage. The sponsors of these events are responsible for the cost associated with this coverage.*

3. *Rental of Entire Park will be handled on a case by case basis at the discretion of the Town Board*

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

Resolution 2015055
Position- Part Time Zoning Administrator

Whereas, the Town Board has considered adding the position of Part-Time Zoning Administrator to its inventory of approved positions, and

Whereas, such position will evaluate each application made before the Town of Pawling for the Building, Planning Board, and Zoning Board of Appeals, and set forth the necessary path for review, and

Whereas, the Town Board has created with approval from Dutchess County Human Resources and has advertise such position, now, therefore, be it

Resolved, that the Town Board hereby appoints Walter Artus to the position of Part Time Zoning Administrator at a rate of \$25.00 / hr.

MOTION: Supervisor Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

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

FURTHER BUSINESS

CODE ENFORCEMENT OFFICE

Supervisor Kelly said Tom Corrao, Building Inspector tendered his resignation. Is it the pleasure of the Board to seek a full time or part time Building Inspector?

Councilman DeRosa said the hiring of Walter Artus will take some of the responsibilities away from the Building Inspector position. He felt two part time people would be a good way to go ahead with covering in the office.

Councilman Johnson felt a full time Building Inspector was the way to go.

Councilman Upham agreed.

Supervisor Kelly agreed.

Supervisor Kelly made a motion to canvas the list pursuant to Dutchess County Human Resources regulations and Town Policy, seconded by Councilman Johnson, motion passed unanimously.

TOWN OWNED PROPERTY

Supervisor Kelly said regarding the Town owned property on Dutcher Avenue, he felt it would be more valuable to the Village of Pawling, since it is in the Village. He suggested opening a dialogue with Village officials to see if they would be open to the Town donating this parcel to the Village if possible, or the Village purchasing the property from the Town.

Following discussion, Supervisor Kelly made a motion to allow the Town Supervisor to speak with the Village Mayor about the potential acquisition of the property, seconded by Councilman Johnson, motion passed unanimously.

PUBLIC COMMENT

Vinny DiMarco thanked the Board again for passing the resolution to proceed with acquiring the dam parcel. He wanted to comment on the resignation of Tom Corrao, Town Building Inspector. He was disappointed about the resignation. In the past 6 or 7 years, the Town has received 3 resignations of Town Code Enforcement Officers and he wondered why. This is a small town and mostly residential and this position should be a career position. He didn't understand why there was such a turn over, is it pressure? Is there a conflict in personnel and if so, isn't there a human resource department for people to seek advice. Taxpayers spent the money over the past 4 years to train Mr. Corrao and he asked the Board to reconsider acceptance of this resignation.

Peter Cris, President of the Pawling Chamber of Commerce reminded the Board of the invitation to the Pawling Chamber of Commerce meeting April 21, 2015 to be held at Town Hall, where County Executive Marcus Molinaro would be the guest speaker. He hoped all would attend to support the County Executive. The meeting is open to the general public.

Brenda Colberg, Pawling Zoning Board of Appeals member said she was glad to hear that the gentleman was hired to assist with the Planning Board, Zoning and Building Department. She felt there would be a wonderful improvement in the departments and make the other boards more efficient.

The motion to adjourn was made by Supervisor Kelly at 8:00 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk