

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 6:32 PM January 13, 2016 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 12 interested citizens.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Supervisor Kelly at 6:33 PM to discuss litigation with the Town Attorney, seconded by Councilman Upham, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 7:35 PM, seconded by Councilman Upham, motion passed unanimously.

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 12/2/2015 and 12/9/2015 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

CONSENT AGENDA

Resolution 2016038 Pawling Joint Sewer Commission Budget for 2016

Whereas, the Town of Pawling received a request from the Pawling Joint Sewer Commission to approve the 2016 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 \$725,958, Appropriations of \$636,878, Bonding Costs of \$89,080 for a total budget of \$725,958.

Resolution 2016040 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 \$14,055.50 for the period of October 2015 through December 2015 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”
Councilman Upham – “AYE” Councilman Montemarano – “AYE”
Supervisor Kelly – “AYE”

NON CONSENT AGENDA

**Resolution 2016039
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 20151777 through 20151889, 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 \$152,537.31.

MOTION: Councilman Johnson

SECOND: Supervisor Kelly

Supervisor Kelly offered an amendment that the last number in the third “Whereas”, shall read 20151890 and the dollar amount to be amended to \$166,168.06, seconded by Councilman Upham.

Supervisor Kelly said this is to return part of the retainage for the Whaley Lake Dam access driveway back to the contractor as recommended by Mr. Zarecki who is the engineer on the project.

The motion passed unanimously.

ROLL CALL VOTE ON RESOLUTION 2016039:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2016041
Waiver – Transfer Station Use Requests**

Whereas, the Town of Pawling operates the Transfer Station facility located on River Road, and

Whereas, the facility is operated under the management of the Transfer Station Manager and governed by the Town Code; *Chapter 191, Transfer Station; Recycling*, and

Whereas, Chapter 191-5 F states, “*the transfer station is open to town residents only*”, and

Whereas, the Town Board has received two requests to allow using the facility, now, therefore, be it

Resolved, the requests are hereby

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

Supervisor Kelly introduced an amendment to the “Resolved” that the waivers are hereby granted to a resident on 10 South Dingle Road, on 61 Birch Lane and on 19 Birch Lane, seconded by Councilman Johnson.

Councilman DeRosa asked if those were for this year.

Supervisor Kelly said yes.

The motion on the amendment passed with the following roll call vote:

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

ROLL CALL VOTE ON RESOLUTION 2016041:

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

**Resolution 2016042
Accepting Petition & Setting Public Hearing; Sewer District #3**

Whereas, the Town of Pawling Town Board received a petition for the formation of a new Town sewer district titled Town Sewer District No. 2 from the owner of at least 50% of all of the taxable real property situated in the proposed Sewer District executed on January 28, 2014; and

Whereas, upon review of Town records it was determined that Town Sewer District No. 2 already exists; and

Whereas, the Town of Pawling Town Board received an amended petition for the formation of a new Town sewer district titled Town Sewer District No. 3 from the owner of at least 50% of all of the taxable real property situated in the proposed Sewer District executed on January 13, 2016; and

Whereas, the boundaries of the proposed Sewer District coincide with the parcels now or formerly owned by the JUCCA Company located along the Route 22 corridor which are fully described in the submitted amended petition for establishment of Pawling Sewer District No. 3; and

Whereas, the improvements proposed to support Sewer District No. 3 include construction of a pump station near Route 22 and associated piping connecting to the existing Pawling Joint Sewer Commission system; and

Whereas, the proposed equipment and piping will be designed to accommodate future expansion of Sewer District No. 3 to include portions of the Route 22 corridor located south of the JUCCA Company parcels; and

Whereas, there will be no public monies expended in connection with the formation and construction of the proposed Sewer District; and

Whereas, a Sewage Capacity Reservation and Sewer System Connection Agreement dated December 13, 2013 has been signed between JUCCA Company, and the Pawling Joint Sewer Commission; and

Whereas, the petitioner will be responsible for any necessary upgrades to the Pawling Joint Sewer Commission system in accordance with the aforementioned Sewage Capacity Reservation and Sewer System Connection Agreement; and

Whereas, Morris Associates, as the Consulting Engineer to the Town, has prepared a Map, Plan and Report for the formation of the Sewer District dated January 2016, and submitted to the Town Board under cover letter dated January 12, 2016; and

Whereas, the estimated cost of hook-up fees and the cost of the district to the typical property are described in the aforementioned Map, Plan and Report for the formation of the Sewer District; and

Whereas, a copy of the Map, Plan and Report for the formation of the Sewer District has been filed for public inspection with the Town Clerk; now, therefore, be it

Resolved, that the Town of Pawling Town Board does hereby accept the Amended Petition of the Property Owner for the formation of Pawling Town Sewer District No. 3 in accordance with the procedure for district formation under Town Law Article 12 and that a public hearing on the matter will be held at the Town Hall on February 3, 2016 at 7 pm or soon thereafter.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2016043
Release – BID Docks, Lakeside Park**

Whereas, the Town of Pawling operates a Water Front at Lakeside Park, and

Whereas, certain docks at Lakeside Park are in need of replacement, now, therefore, be it

Resolved, that the Town Board hereby releases a bid for the replacement of certain Aluminum Docks per the drafted bid specifications. Bids are due back on February 5, 2016 by 3pm.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

Supervisor Kelly made a motion to table resolution 2016044 titled Budget Transfers, seconded by Councilman Johnson, motion passed unanimously.

FURTHER BUSINESS

HIRE CONSTABLES

Councilman Johnson made a motion to hire Angelo Sblendorio for the position of constable, seconded by Supervisor Kelly, motion passed unanimously.

PLANNING & ZONING CLASSES

Councilman DeRosa said there is a meeting in Millbrook on April 6th from 4-8:30 PM for new Planning & Zoning Members. He felt the Board should fill the vacancies that exist so that new members can attend. They are also offering a minute taking class, which he thought would be very helpful.

PUBLIC COMMENT

John Daley, Highway Superintendent said NYS DEC passed a law concerning E Waste. They are trying to keep E Waste out of the regular garbage stream. In order to be in compliance with it, the Town has to set something up to have a separate place for E Waste and a way to get rid of it. There will not be a lot of choice about it going forward.

Following discussion, the Board agreed they would think about it and asked Mr. Daley to present ideas on how to handle this and present it to the Board in February or when he is ready.

Mr. Daley said East Fishkill has a 2004 three to five ton vibration roller, which has 1500 hours on it and which they are selling for \$12,000 to \$15,000. This is a good price for this machine. He and Councilman Montemarano have inspected the vehicle and felt it was in good condition. The Town has a roller but it is old. He said the Town of Pawling does not have a vibration roller and it would be a good piece of equipment to have and would fit on the Town's existing trailer. He would like to bid \$12,000.00 on it.

Councilman DeRosa made a motion to authorize John Daley to go ahead and submit the bid, seconded by Councilman Johnson, motion passed unanimously.

Vinny DiMarco thanked the Board for making the proper choices regarding appointing Planning & Zoning members at the last meeting and congratulated the appointees. He asked if there was a Whaley Lake Dam meeting on Friday, January 15, 2016.

Supervisor Kelly said he is available and felt the meeting could happen. He wanted to update the Committee on what was happening.

Mr. DiMarco agreed.

Following discussion, it was agreed that the meeting would be held on Friday, January 15, 2016 at Town Hall.

Helen Grosso asked what the nature of the transfer station permits waivers was.

Supervisor Kelly said two of the residents have addresses in Holmes and they pay taxes in Holmes and their driveways are in the Town of Pawling. Their houses are in East Fishkill and their children go to Pawling School District so the Board voted to grant waivers to those people. The other waiver was a resident who has a dealer plate and the Board granted that waiver.

Mrs. Grosso requested that the Board form a committee to look at the transfer station and the way the transfer station permits are charged the same to residents and potentially businesses that are using it in different capacities.

Supervisor Kelly said the Board has discussed forming a committee behind the scenes and expects that it would move forward.

Mrs. Grosso asked if the committee meetings would be open to the public. She would like to lend support to this.

Supervisor Kelly said he was not sure.

Councilman DeRosa said this idea is just being developed.

Mrs. Grosso said if businesses became much more successful and generate more sales tax in Pawling, that money goes to the County and does the Town get back a portion of it. How would the tax base be effected by sales tax increases?

Supervisor Kelly said the formula is based off the County being willing to share the sales tax proceeds with the municipalities. The cities are allowed to negotiate the deal on behalf of the rest of the municipalities. So the two cities get the largest portion of the percentage that the County is willing to part with and the towns are given their portion, which is portioned out by population.

Mrs. Grosso asked what the use of us increasing our commercial base, how would that impact our taxes if sales tax will not necessarily impact it.

Councilman Johnson said school and property tax will increase the tax base, not sales tax. Any time you have commercial development, there is minimal impact on schools, which creates minimal expense but generating tax dollars that offset the tax bills of other residents.

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

Town Clerk