

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM February 3, 2016 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen DeRosa, Upham, Johnson, Montemarano and approximately 18 interested citizens.

### **PUBLIC HEARING/FORMATION OF PAWLING TOWN SEWER DISTRICT NUMBER 3**

Supervisor Kelly opened the public hearing for the formation of Pawling Sewer District #3. There were no comments from the audience and the public hearing was closed.

### **RESOLUTIONS**

The Board discussed the proposed resolutions. Following discussion, it was agreed that the resolutions would be placed on the February 10, 2016 Town Board meeting agenda.

### **PUBLIC HEARING/SEWER RATES**

Councilman DeRosa made a motion to set the public hearing for the sewer rates for March 2, 2016 at 7:00 PM at Town Hall, seconded by Councilman Upham, motion passed unanimously.

### **DISCUSSION: ZONING CHANGES FOR THE PDD/CASTAGNA**

Supervisor Kelly said Liz Axelson from Morris Associates was present tonight at his request. He said the Town Board met last week with the Planning Board to discuss the Planning Board's recommendations on the Jucca/Castagna Petition for Zoning Amendments dated November 30, 2015. At that meeting, many items were discussed. He asked to discuss any items the Town Board did not agree with in the Planning Board's recommendation.

Present from Castagna were Richard L. O'Rourke/Attorney and Eric Gordon/Attorney - Keane & Beane, PC, Jerry Schwalbe - Divney Tung Schwalbe, Alex Wong - Castagna Realty.

Ms. Axelson went over her August 12, 2015 review letter with the Board. She explained the procedure, stating that the applicant will need to submit a revised EAF and, once that is done, the next step would be for the Town Board to declare themselves Lead Agency relating to SEQRA and do the proper circulation of the documents to the involved and interested agencies. The Board discussed 215-36 C(1)(d) and E(1)(a) from the August 12<sup>th</sup> letter relating to the floor area ratio (FAR), phasing, residential density and demographics.

Mr. O'Rourke again stressed that they are asking for these changes in order to provide flexibility for marketing the project.

Following discussion, it was agreed that Castagna will be on the February 10, 2016 Town Board agenda for further discussion.

### **FURTHER BUSINESS**

#### **PAWLING WATER DISTRICT #1**

Supervisor Kelly said the Board passed a resolution in November asking the Village Board to do the meter reading for PWD #1 and he hadn't heard anything. On Monday, he sent a letter requesting this item be on the Village Board meeting agenda to request them to do the water readings for PWD #1 now that the meters have been changed in the district, except for a few where there were contact issues. He received a letter today from the Village requesting the Town turn over PWD #1 to the Village and he asked the Board to think about it for next week. The Town needs to get the billing done and the Village has the equipment in place to do that and give the readings to the Town.

Village Trustees Earl Slocum and Dan Peters were present. Trustee Peters said he would speak to the Mayor in the morning and see if they could get the readings done for the Town. He didn't think this would be an issue.

Supervisor Kelly said he would follow up with the Town Attorney on turning the district over to the Village.

### **AUDIO VISUAL PROPOSAL**

Supervisor Kelly said he had a company from Hopewell Junction called Cyber Technology give him an estimate for an audio visual proposal for the meeting room. The Board has the proposal in front of them for review. He reviewed the proposal with the Board. The amount of the proposal is approximately \$30,000.00. He said he has called other companies but they do not respond.

Following discussion, the Board agreed they would like to see additional proposals and continue to discuss this.

### **WHALEY LAKE DAM**

#### **LDS CHURCH PROPERTY PURCHASE**

Supervisor Kelly said the Latter Day Saints have agreed to sell the Town 1.25 acres for \$10,000.00. The Town would be paying approximately \$3,500.00 for the parcel and the remainder is for consultant fees. He said the Whaley Lake Dam Committee met and agreed with the proposal. He asked the Board to consider approving this tonight.

Supervisor Kelly made the motion to authorize the Supervisor to negotiate with the LDS Church for a maximum of a \$10,000.00 purchase on the 1.25 acres from the LDS Church, seconded by Councilman Upham, motion passed unanimously.

#### **FUSS & O'NEILL AGREEMENT**

Supervisor Kelly said the Board has received an agreement from Fuss & O'Neill for the next stages of work on the Whale Lake Dam project. He asked the Board how they wanted to proceed with this.

Councilman Johnson made a motion to accept the Fuss & O'Neill proposal for engineering services, seconded by Councilman DeRosa.

Councilman DeRosa said he agreed based on the experience the Town had with them before and the Town is under very close time frames.

Councilman Johnson said they have inherent knowledge of the project.

The motion passed unanimously.

#### **GREENWAY GRANT**

Supervisor Kelly said Betsy Brockway approached him by email the other day and said there is a Hudson River Valley Greenway Grant Program and she would be willing to write a grant if the Board is inclined. Mrs. Brockway said she would pursue a grant for a paved trailway between Murrow Park and Lakeside Park to connect the two parks.

Councilman DeRosa made a motion to authorize Betsy Brockway to apply for the Greenway Grant Program, seconded by Councilman Johnson, motion passed unanimously.

### **REPORTS**

#### **KELLY**

Supervisor Kelly said there is another compliance matter regarding the tax cap/tax freeze, which has been met. The residents of Pawling have received their tax rebate checks. He thanked the Town Board, department heads, Jerry Terwilliger/Town Bookkeeper, the Village and the School District because without everyone meeting the tax cap, the residents would not have received rebate checks. He said NYSEG has asked his office to host a meeting at Lakeside Park on April 14<sup>th</sup>. This will be a meeting with all of the heads of Iberdrola, owner of NYSEG. He attended a "safe paths" meeting proposing paths from the elementary school and the high school, to Trinity Pawling School and there is grant money out there that could be used for this project. Regarding

East of Hudson, he was elected secretary for the sixth year for the corporation and coalition. Regarding projects at the HWLCA and the fire house in Holmes, the contractor would like to begin the project next week and he would like to give them approval to move forward at next week's Board meeting. He attended a meeting in Amenia regarding the Housatonic Valley Watershed Coalition, which is an organization that is looking at the water quality of the Housatonic River and making sure it is kept at a high level. They want the Town of Pawling to join on to their cause. He expressed concern to the Chairperson about the increased regulations and regulatory requirements.

### **JOHNSON**

Councilman Johnson said he has been talking with Melissa Smith/ Recreation Director and Robyn Wooley/Assistant Recreation Director about a program for the Recreation Department. The contract has been forwarded to Supervisor Kelly for his review. He has looked at it in other communities and it seems like a wonderful program and he hoped that it could be implemented soon. He met with the Supervisor, the Head Greenskeeper and Wendel Weber/Supervisor of Buildings & Grounds regarding the golf course. He will be coming back to the Board once they have suggestions.

### **MONTEMARANO**

Councilman Montemarano said he will be working with the Town Clerk and Highway Superintendent on the Transfer Station and looking at the Town Code portion dealing with the Transfer Station. He has offered his time to undertake the Employee Handbook update.

### **DEROSA**

Councilman DeRosa said at the Planning Board meeting on Monday, guests were Brian Kehoe/Planner and Jennifer Coccozza, Deputy Commissioner from Dutchess County Planning & Development. There was discussion about bike paths and walking paths around the Route 22 corridor. They are very interested in helping the Planning Board with some projects they have coming up. Councilman DeRosa said at the joint meeting with the Town Board and Planning Board, he passed out documents from the Implementation Committee regarding cell towers, assessor apartments, site plans and signs. He wanted to know what the Board wanted him to move forward with. He and Councilman Upham have been conducting interviews for the Planning and Zoning Board positions.

### **TIMBER HARVESTING BOND AMOUNT**

Supervisor Kelly said he received a call from a resident about a Timber Harvesting bond amount. He asked Councilman DeRosa to look into it.

Councilman DeRosa said he looked into this project with John Daley, Highway Superintendent and toured the project on Quaker Lake Road. The project is extensive and they will be hauling the logs a mile and a half, three quarters of a mile over blacktop and three quarters of a mile over a dirt road and there is not good drainage. The owners of the property are protected by insurance but the Town is not protected without the bond. They will be taking out about 1,000 trees and the trucks will be heavy traveling on that road. Unless there is a heavy frost, the trucks will do damage to the road. He is still gathering information and once he gets it, he will get it to the Board.

Lloyd Berkeley said he is the representative for the project and is on the Board of Quaker Lake Inc. and has been for the last 16 years. Quaker Lake Inc. has their property under the NYS Forestry Tax Law 480-a, and they have since 1984. They are required by NYS to periodically do timber stand improvements, which they have done over the years, at the direction of their Forrester. They understand the Town resolution on Timber Harvesting and they have reviewed that with Bob Marvin and they feel since they are a 480-a participant, they are not required to obtain a permit for this operation. The Town is asking for a \$150,000.00 road bond, a hold harmless clause and to be added as an additional insured to the insurance policy. They have reviewed the documentation with Bob Marvin and are asking the Town Board to reconsider the bond amount and the additional requirements. They see no documentation in the Town records under the environmental permit that requires a road bond. The hold harmless clause or any insurance requirements are not part of that permit that they can see. They have received all

permits from NYS and there is a limited time frame for this project. Their bonding company has expressed that the bond is prohibitive to moving this project forward and they feel the bond amount is exorbitant and is more than they are willing to post. It has stopped the progress of the job. They would have to get this done during frozen ground conditions and this year has been unusual so whether they move forward on the project or not this year is still up in the air. He said the project would take approximately five weeks and their permit runs out March 31, 2016. He hoped the Board would consider these remarks and thanked the Board for allowing him to speak.

Following discussion, the Board agreed that more research and discussion was needed and hoped it could be resolved next Wednesday.

### **UPAHM**

Councilman Upham complimented Councilman Johnson, the golf committee, Wendel Weber and everyone working on the golf course. 2015 was one of the best years there. Councilman Upham said there may be a book sale coming up. He said the ESL class is ongoing at the Legion building next to Town Hall. He thanked Peter Cris, Cathy Giordano and others for helping with the advertising for that program. He expressed concern about demographics in terms of the Castagna PDD project. He was glad to see more people attending meetings. The Town is always looking for volunteers.

### **PUBLIC COMMENT**

Betsy Montgomery, resident of 13 Quaker Hill Road, asked if the vibrating roller was purchased for the Highway Department. She also asked if fund balance rolls over for the Highway Department.

Councilman Montemarano said the vibrating roller was purchased for \$12,000.00.

Supervisor Kelly said the fund balance does roll over for the Highway Department and he explained the fund balance and monies received from New York State.

Mrs. Montgomery said her concern was that the taxpayers of this Town feel strenuously over taxed. They are trying to figure out where everything is and how it is allocated. They want to understand how the funds are used so they have a good understanding of their government.

Councilman DeRosa explained that the Highway Superintendent can't wait to see what the weather is like, he is required to order salt by the end of April. Last year, the State raised salt prices by \$40,000.00 over what the Town had budgeted. Fuel pricing is also another unknown. A lot is estimating and looking forward and being prepared.

Peter Cris, Chairman of the Chamber of Commerce said the Chamber will be participating in initiatives by the Planning Board and Dutchess County Planning. They would like to assist in the economic development of Pawling. They are also working with the PJSC and Village to understand and promote progress with the sewer and water. He felt there needed to be more unity, cooperation and communication between the Town, Village, School and Chamber.

Supervisor Kelly made the motion to adjourn the meeting at 8:55 PM, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk