

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM February 10, 2016 Pawling at Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, Montemarano, Upham, DeRosa and approximately 10 interested citizens.

**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 1/6/2016 and 1/13/2016 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

The motion to approve the minutes of 1/27/2016 was made by Supervisor Kelly, seconded by Councilman Montemarano and passed with the following roll call vote:

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

**ROLL CALL VOTE:**

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

**CONSENT AGENDA**

**Resolution 2016045  
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 20160001 through 20160190, 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 \$361,322.41.

**Resolution 2016046  
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 / waiver(s) have been authorized by the Town Board:

Pawling Little League	March 1 – July 15, 2016	Ball Fields - WAIVE
	3 <sup>rd</sup> Thursdays Monthly	Murrow Park & Dodge Rd
		Lion Club Building

Tom O'Brien Magic	April 1 & 8, 2016	JC Penny Room
Pawling Chamber Comm.	March 8, 2016	Town Hall - WAIVE
Shore Haven	February 20, 2016	HWLCA - WAIVE

**Resolution 2016049**  
**Adoption Road Name – Private Road**

Whereas, the JUCCA Corporation has started to develop their property along Route 22, and

Whereas, as part of the development process, a driveway was constructed off Route 22, and

Whereas, Dutchess County law requires that all driveways, and roads that service three or more residents are required to be named for Emergency 911 purposes , and

Whereas, a request from the property owner has been made through Dutchess County Planning to designate the name of said road as “Castagna Drive” on the parcel number 7056-00-611351 now, therefore, be it

Resolved, that the Town Board hereby designates said road as requested as “Castagna Drive”.

**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 2016047**  
**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 a request to allow using the facility, now, therefore, be it

Resolved, the requests are hereby granted to purchase a Transfer Station Permit to Susan King located at 69 South White Rock Road. Holmes, NY.

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman Johnson

Councilman Montemarano said this individual does not have a residence in the Town of Pawling, they own a 2.2 acre parcel of vacant land. The Town Code speaks to residents using the Transfer Station. With the Dutchess County 911 system, we can now figure out what residency is.

Councilman Johnson felt that anyone who was sold a permit previously should still be sold a permit. As part of the discussion going forward and revamping the process, this would need to be looked at.

Councilman DeRosa said he, Councilman Montemarano, John Daley, Highway Superintendent and Cathy Giordano, Town Clerk have had the first Transfer Station meeting to discuss possible changes moving forward but it is going to take a long time for changes to be made. From information that was gathered, we have found that a lot of towns have walked away from their transfer stations because it is too expensive to run and others charge by the bag. He felt the Board should stick to what the code says and if they want the code adjusted, they could adjust it.

Following discussion, the motion passed with the following roll call vote:

**ROLL CALL VOTE:**

Councilman Johnson – “AYE”

Councilman DeRosa – “NAY”

Councilman Upham – “AYE”

Councilman Montemarano – “NAY”

Supervisor Kelly – “AYE”

**Resolution 2016050  
Telecommunication Tower Removal Bond**

Whereas, the Planning Board has been working with Homeland Towers LLC on an application for a cell tower, and

Whereas, the Planning Board at their regular meeting of January 19, 2016 has made a recommendation to the Town Board to post a Telecommunication Tower Removal Bond in the amount of \$34,094.74, now, therefore, be it

Resolved, that the Town Board hereby accepts the recommendation of the Pawling Planning Board on the above matter relating to Homeland Towers LLC and orders the Telecommunication Tower Removal Bond to be set in the amount of \$34,094.75, and, be it, further

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

**MOTION:** Supervisor Kelly

**SECOND:** Councilman Johnson

Supervisor Kelly said he has spoken with Mr. Vergati about the issue of the bond. He stated that if the tower needed to come down, the bond would be used first and if there were additional costs, they would be levied on the taxes.

Councilman Johnson suggested a ten year review of the bond.

Following discussion, Councilman Johnson introduced a motion that the bond is reviewable in ten year increments to ensure covering the expense of the removal of the tower, seconded by Councilman Upham.

Following further discussion, Councilman Johnson amended his motion to include a callable ten (10) year bond subject to review of current expense to remove the tower and foundation, seconded by Councilman Upham, motion carried unanimously.

**ROLL CALL VOTE ON RESOLUTION 2016050:**

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

**Resolution 2016051  
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 \$2,309.60 for the period of November 1, 2015 through January 31, 2016 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 Johnson

**ROLL CALL VOTE:**

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

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

Supervisor Kelly said Mr. O’Rourke, attorney from Keane & Beane representing Castagna was present. Mr. O’Rourke sent a letter to the Board and they have a copy of the letter. He requested two items in the letter, one was regarding the requirement of a special permit to increase the FAR from .20 to .25. They requested the FAR be set at .25 with no special permit requirement. The second thing related to the limits on phasing. They are requesting that there be no limits on phasing as this would negatively impact the schedule and benefits of the overall development. Supervisor Kelly said those are his feelings as well. He felt that in a PDD zone, special use permits should be minimal to none. Regarding the phasing, he did not want to put that burden on the developer in the PDD zone.

Councilman DeRosa agreed, saying he felt that the number of senior units should be left at 400 and not be allowed to go to 600.

Councilman Johnson concurred.

Following discussion, Supervisor Kelly made a motion for the Town Board to accept the recommendations of the Planning Board on the PDD zone with an amendment that on page 1, under 215-36 C(1)(d) that the recommendation is to allow the FAR to be set at .25 with no special use permit requirement and under E(1)(a) under density, to read 2.0 DU’s per acre of gross land area, seconded by Councilman DeRosa, motion passed unanimously.

**LAKESIDE PARK DOCKS**

Councilman Johnson said the Board has been talking about replacing the docks for quite some time. Seven bids were received back ranging from \$42,568.00 to \$79,105.00.

Councilman Johnson made a motion to award the bid to Robco Manufacturing Inc., as low bidder in the amount of \$42,568.00 subject to review by the Town Attorney and Wendel Weber, Supervisor of Buildings & Grounds, seconded by Supervisor Kelly, motion passed unanimously.

**KIRBY HILL FARM**

Supervisor Kelly said Kirby Hill Farm is applying to the New York State Liquor Authority for a Liquor License. The Town received a request from the Skene Law Firm, representing Kirby Hill Farm, to waive the 30 day time requirement for this application. Supervisor Kelly said this is the second request. Upon receiving the first request, he consulted with the Town Attorney and wrote a letter to the New York State Liquor Authority stating that Kirby Hill Farm does not have a site plan application in front of the Planning Board, nor building permits from the Town, nor is catering establishments allowed in that zone. The current request for a waiver comes from a different law firm than the letter that was previously submitted. He felt the request should be denied and he felt the original letter sent should be sent to Skene Law Firm and also to the New York State Liquor Authority.

Supervisor Kelly made a motion to deny the request from Skene Law firm for the 30 day waiver of notification for the New York State Liquor Authority, seconded by Councilman Johnson, motion passed unanimously.

**QUAKER LAKE LLC/ROAD BOND/TIMBER HARVESTING**

The Board discussed the road bond of \$150,000.00 for the Quaker Lake, Inc. Timber Harvesting project.

Following discussion, Supervisor Kelly made a motion to uphold the bond amount as recommended by the Highway Superintendent in consultation with the Town Engineer, seconded by Councilman Johnson and passed with the following roll call vote:

**MOTION:** Supervisor Kelly  
**SECOND:** Councilman DeRosa

**ROLL CALL VOTE:**

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

**AMBULANCE SERVICE**

Supervisor Kelly said he has spoken to the Board in the past about the ambulance coverage and discussed the fact that in July, Transcare had an issue with making payroll and in December, they did not have their workman’s comp policy in place and got a 9 day extension. Since then, they received permission from New York State to go on a month by month basis with their workman’s comp policy. They faulted on their first payment but it was then reinstated. He expressed concern to the Board about Transcare and their financial stability. They are on a month to month credit line. He is concerned about the safety of the residents of the Town. He met with two companies and with surrounding towns in Dutchess County, Beekman, Unionvale and the Village of Millbrook would like to stay as a unified group and not form a district. He will provide the Board with a letter of termination of contract with Transcare in March and provide a contract with another provider for them to consider and discuss.

**PLANNING BOARD/ZONING BOARD MEMBERS**

Councilman DeRosa made a motion recommending appointing Eric Paulson to the Planning Board, seconded by Councilman Johnson, motion passed unanimously.

Councilman DeRosa made a motion to appoint Margaux Miller to the Zoning Board of Appeals, seconded by Supervisor Kelly, motion passed unanimously.

## **IMPLEMENTATION COMMITTEE REVIEW**

Councilman DeRosa said he had asked the Board about review of certain sections of the Town Code regarding accessory apartments and minor site plans. He asked if the Implementation Committee should go ahead and begin reviewing those items.

The Board agreed that the Implementation Committee should move ahead with reviewing the accessory apartments and minor site plan portions of the Code.

Councilman DeRosa said he gave the Town Board the recommendations from the Planning Board and Building Department on sign applications with the fee schedule. He asked if the Board wanted to give their approval or continue to review it.

Supervisor Kelly said he wanted to review it further and speak with the Building Inspector. This could be discussed in March.

## **COUNTY LEGISLATOR JOHN THOMES**

County Legislator John Thomes announced that County Executive Marcus Molinaro will be coming to Pawling for a Town Hall meeting in March. He also said he wanted to hold a fund raiser for Big Brothers and Big Sisters at Murrow Park this summer. He asked how he would go about getting permission for that.

Supervisor Kelly directed Mr. Thomes to the Pawling Recreation Department to submit a facilities use request.

## **PUBLIC COMMENT**

Peter Cris, President of the Chamber of Commerce, announced that County Executive Marcus Molinaro will be having a Town Hall Forum at the Pawling Town Hall on March 8, 2016. All are invited to attend.

Helen Grosso thanked the Board for the committee on the transfer station. People are excited about that. She said looking into what other towns are doing sounded good.

The motion to adjourn was made at 8:05 PM by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk