

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 6:33 PM June 8, 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 6:35 PM to discuss legal matters 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 7:25 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 5/4/2016 and 5/11/2016 was made by Supervisor Kelly, seconded by Councilman Johnson, motion passed unanimously.

**AGENDA**

**Resolution 2016067  
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:

<u>Organization</u>	<u>Location Requested</u>	<u>Date(s)</u>	<u>FEES WAIVED</u>
Pawling Rotary Club	Lathrop	Sat. 11/12/16	
Ty Campbell Foundation	Lakeside Park	6/26/16	Yes
Pawling Lacrosse	Lakeside Park Field	6/15 – 8/31/16	Yes

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

Supervisor Kelly said the Ty Campbell Foundation has requested the use of Lakeside Park.

Mr. Louis Campbell, Board Chairman of the Ty Campbell Foundation was present.

Supervisor Kelly said he has had numerous conversations with Mr. Campbell about this request. Mr. Campbell understands the Board’s concern about using the beach front and they have chosen an alternate location, they would like to use the pavilion for this event. The other request they have made was for a bonfire on the property.

Following discussion, the Board agreed that they would waive the fees but that the Foundation would have to pay for any additional fees if there are over 300 people, such as a maintenance person and ambulance, etc. They were not comfortable with allowing a bonfire for any event at the park at this time. They felt that this would set a precedent and they said they would approve the facilities use request at the pavilion but not approve the bonfire.

Supervisor Kelly restated that the Pawling Rotary request would be approved as requested as well as Pawling Lacrosse. Regarding the Ty Campbell Foundation request, no fire will be allowed, they are required to provide an alcohol plan and adequate insurance.

**ROLL CALL VOTE ON RESOLUTION 2016067:**

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

**Resolution 2016065  
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 20160674 through 20160794, 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 \$167,185.39.

**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 2016066  
Appointment – Constable**

Whereas, the Town of Pawling operates a Uniformed Constable Department which presides over the Town of Pawling Justice Court and enforces Pawling Town Code within the borders of the Town, and

Whereas, the Chief Constable has formally requested that the Town Board fill vacancies within the Constable department with qualified and trained individuals, pursuant to NYS DCJS, as they apply to the Town, and,

Whereas, Susan Fundaro has applied for the position of part-time Constable, and,

Whereas, Chief Constable Kelly has interviewed the applicant and has recommended that the Town hire Susan Fundaro, on a part-time basis, as soon as possible, now, therefore, be it

Resolved, that the Town Board hereby appoints Susan Fundaro as Part Time Constable for the Town of Pawling.

**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 2016068                      Petition for Zoning Amendments by JUCCA Company for the  
Planned Development District (PDD): Initiation of SEQRA,  
Referrals and Setting a Public Hearing**

Whereas, the Town Board of the Town of Pawling is considering the petition for zoning amendments by Jucca Company (hereinafter petitioner) of the Code of the Town of Pawling, Chapter 215, Zoning, Section 215-36 Planned Development District (PDD) for the existing PDD zone (aka the “Castagna” site) and the existing Planned Development Overlay (PDO) as shown on the existing Town of Pawling Zoning Map, dated October 2, 2012, which is attached to Code Chapter 215; and

Whereas, the Town Board has considered the submitted zoning amendment petition materials listed at the end of this resolution, including a response document; narrative summaries of the proposed zoning text changes; tables, figures, maps and illustrations that analyze the effect of the proposed zoning amendments; and compare them with the effect of the Town’s current zoning provisions; and

Whereas, although the petitioner has requested amendments to existing zoning text, including the supplementary requirements for the PDD contained in zoning section 215-36, no changes are proposed to any boundary of the existing PDD or the existing PDO as shown on the zoning map;

Whereas, the stated purpose of the petition is to facilitate mixed use development including senior housing, healthcare offices and opportunities for retail, office, lodging and other uses with limitations on coverage, floor area, floor area ratios to provide for flexibility in design “in keeping with contemporary planning” (see April 1, 2015 letter); and

Whereas, an expanded Full Environmental Assessment Form (Full EAF) with attached narrative, maps, tables, graphic illustration, reports and other materials has been prepared to address adoption of the proposed zoning amendments and conceptual site development together as the “Proposed Action” pursuant to 6 NYCRR Part 617, New York State Environmental Quality Review Act (SEQRA) regulations;

Whereas, the petition for zoning amendments by Jucca Company and related materials were referred to the Town of Pawling Planning Board for an advisory report based on their planning and zoning review of the petition in accordance with the NY Town Law section 264 and 265 and the Code of the Town of Pawling Chapter 215, Article VIII, Amendments; and

Whereas, following a series of joint Town Board and Planning Board; and Planning Board workshops and meetings from 2013 through 2015, the Planning Board has responded to the Town Board in accordance with the procedures for zoning amendments in the NY Town Law section 264 and 265 and the Code of the Town of Pawling Chapter 215, Article VIII, Amendments, via their Recommendation letter of November 30, 2015, with attached PDD Zoning Text Changes Review Summary Table, noting general consistency with the Comprehensive Plan Update (CPU) and Dutchess County Greenway Connections;

Whereas, the revised proposed zoning amendments, which were recently revised by the Town’s Planning Consultant for the Town Board’s consideration, dated June 1, 2016, reflect the Planning Board’s recommendation and recent Town Board comments; now, therefore, be it

Resolved, that the Town of Pawling Town Board hereby classifies the Proposed Action as a Type 1 Action, pursuant to SEQRA section 617.4 and 617.6; and, be it further

Resolved, that the Town Board hereby declares that it will be the Lead Agency in this SEQRA review as it is the most likely Involved Agency related to the proposed zoning amendment; and, therefore, a Coordinated Review under SEQRA will be conducted pursuant to SEQRA section 617.6; and, be it further

Resolved, that a copy, or an electronic version as appropriate, of the SEQRA Lead Agency Notice, the petition and the proposed zoning amendments, the Full EAF and other submitted materials, will be circulated to the involved and interested agencies in the list attached to the Notice; and, be it further

Resolved, that the Town Board will hold a public hearing on the petition for zoning amendments by Jucca Company on Wednesday, July 13, 2016 at 7:00 p.m. at the Pawling Town Hall to hear all interested parties on the proposed zoning amendments; and, be it further

Resolved, that notice of said public hearing: shall be published in a newspaper of general circulation in the town: for 2 successive weeks before, with the latest being published at least 10 calendar days before the hearing; and will be duly posted at town hall; and, be it further

Resolved, that printed copies of the petition for zoning amendments by Jucca Company and related materials will be available at town hall; and electronic versions of the zoning amendments by Jucca Company and related materials will be available on the town's website; and, be it further

Resolved, that the petition for zoning amendments by Jucca Company and related materials shall be referred to the Dutchess County Planning Board in accordance with the NY Town Law section 272-a; Pawling Zoning Article VIII; and General Municipal Law section 239-m; and, be it further

Resolved, that a notice with a copy of the petition for zoning amendments by Jucca Company and related materials shall be sent to the Clerk of the Town of Patterson, NY; and the Putnam County Planning Department, in accordance with the NY Town Law section 264 and 265.

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

Supervisor Kelly said Liz Axelson from Morris Associates and Jerry Schwalbe from Divney Tung Schwalbe were present to discuss this matter with the Board.

Ms. Axelson said this project has a lot of history, the review of the zoning petition began in 2012. Both the Town Board and Planning Board have digested it and she felt the zoning was in good shape. She went back to the Planning Board recommendation letter dated November 30, 2015 and she has made some refinements to the zoning based on those recommendations. She said the EAF was originally submitted a few years ago. She felt the Town Board had all of the information they needed to initiate the environmental review and also to initiate the remaining required referrals. She went over her review letter dated June 1, 2016, which talked about the steps the Town Board needed to take at this time, including a public hearing. She has been working with Michelle Grossman from Divney Tung Schwalbe and they both agree that the packet will be ready to send out on Friday, June 10<sup>th</sup>.

Councilman DeRosa said he just began reviewing the information that was given to the Board. He asked if the zoning was changed, if it would change the environmental process.

Ms. Axelson said no, for what is being changed in the zoning now, the environmental process does not need to change. She assured the Board that the only changes she made were based on the Planning Board's most recent comments. The information Councilman DeRosa was speaking of is already in the zoning.

Councilman DeRosa said he would like to review the proposed zoning further before he was ready to pass any of this.

Supervisor Kelly said the Town Board has met with the Planning Board and reviewed this over and over and made requests that have been met, such as keeping the unit count to 400.

Councilman Johnson felt if nothing had changed from the final meeting, he was ready to act on this. He would be comfortable to move on this.

Councilman DeRosa felt he didn't have enough time to review this and he would like to understand the project completely before moving it forward.

Supervisor Kelly said this step will just begin the process. The Board can still ask questions during the process.

Councilman Montemarano said he was ready to move this forward.

Councilman Upham asked if there would be a public hearing on July 13<sup>th</sup>.

Ms. Axelson said that is the date she put in the resolution but the Board can change it if they wish.

#### **ROLL CALL VOTE ON RESOLUTION 2016068:**

Councilman Johnson – “AYE”

Councilman DeRosa – “NAY”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

#### **FURTHER BUSINESS**

#### **RENOVATIONS OF TOWN HALL AND THE LEGION BUILDING**

Councilman Montemarano said he has circulated drawings to the Board for changes to the Town Hall and Legion Building.

Supervisor Kelly said he liked the renderings as proposed by Zarecki & Associates.

Following discussion, the Board agreed that they should discuss the plans further and possibly tweak the plans and move this forward. The Board will attempt to get grant monies to accomplish these renovations.

#### **ACCEPTANCE OF DONATION OF LAND FROM LDS CHURCH**

Supervisor Kelly said the LDS Church has decided to donate 1.25 acres of the 5.22 acres that they own at Whaley Lake to the Town of Pawling. The donation cost is \$10.00. He has been working on this all along.

Supervisor Kelly made a motion for the Town of Pawling Town Board to accept the property of mention from the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints in Utah to the Town of Pawling in the acreage of 1.25 acres, seconded by Councilman Johnson.

Councilman Johnson asked if it was to the Town of Pawling or to the Dam District.

Supervisor Kelly said it is to the Town of Pawling, who will accept it on behalf of the Dam District and the costs incurred are only benefitted by the Dam District.

Councilman Upham asked why they were being so generous.

Councilman Johnson said they have been more than helpful throughout this process and this will eventually benefit them.

Councilman DeRosa said they have been cooperating from the beginning.

The motion passed unanimously.

#### **RELEASE OF RETAINAGE/LANDWORKS EXCAVATING, INC.**

Supervisor Kelly made a motion to release the retainage from the Whaley Lake Dam access road to Landworks Excavation, Inc., seconded by Councilman Johnson.

Supervisor Kelly said the Board received a letter from Joe Zarecki’s Office saying he has inspected the property and plantings and soils and they are to specifications.

Councilman DeRosa said he was there today and the plants look very good in the rain gardens.

The motion passed unanimously.

#### **JOHNSON VS TOWN OF PAWLING TAX CASE**

Supervisor Kelly made a motion to approve the settlement in the Johnson vs Town of Pawling tax case, seconded Councilman Upham, motion passed unanimously.

## **QUAKER HILL COUNTRY CLUB VS TOWN OF PAWLING TAX CASE**

Supervisor Kelly made a motion to approve the consent judgement in the Quaker Hill Country Club vs Town of Pawling and the Pawling School District, seconded by Councilman Upham.

### **ROLL CALL VOTE:**

Councilman Johnson – “ABSTAINED”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

## **E-WASTE HAULER**

Supervisor Kelly made a motion to engage the services of Regional Computer Recycling and Recovery for services of E-waste, seconded by Councilman Johnson, motion passed unanimously.

## **DAN FLANIGAN GOLF MEMBERSHIP REFUND**

Councilman Johnson said Mr. Flanigan purchased a membership and now has a bad knee.

Councilman Johnson made a motion to refund Mr. Flanigan’s membership dues for this year, seconded by Supervisor Kelly, motion passed unanimously.

## **AMBULANCE SERVICE**

Councilman Johnson said Danbury Ambulance Service is going for their Dutchess and Putnam County operating permit. They are looking for any and all support in this process. He felt the Town should leave their options open. He would be happy to write a letter to be sent from the Board and get it to the Board for review.

Supervisor Kelly said he would get together with Councilman Johnson and draft a letter.

## **ASSESSORY APARTMENT /CELL TOWER AND MINOR SITE PLAN WORDING**

Councilman DeRosa said he has sent the proposed wording for the assessor apartments, cell towers and minor site plan wording to the Planning Board. He hoped the Board could move them forward at the next meeting.

## **PUBLIC COMMENT**

John Daley, Highway Superintendent, said the Town of Red Hook Highway Department contacted him about an FWD they are selling for \$400.00. He would like to purchase it.

The Board felt Mr. Daley should go ahead and purchase the FWD.

Casey Conlin, Director of the Pawling Free Library, asked if he could come to the July 13<sup>th</sup> Town Board meeting to talk about the Summer Reading Initiative with the Board.

Supervisor Kelly said he would put Mr. Conlin on the July 13<sup>th</sup> agenda.

Steve Sollazzo said he was following up on his ethics complaint. He would like a letter or something in writing regarding the complaint.

Supervisor Kelly said there are not enough board members for the Town of Pawling Ethics Board to conduct business. He said Mr. Sollazzo’s complaint has been referred to the County Ethics Board and Mr. Sollazzo could contact them regarding the complaint.

Betsy Montgomery asked about changes to the Transfer Station process and she wondered where that was.

Supervisor Kelly said the committee is working on recommendations and there was nothing to report at this time.

Ms. Montgomery said she has asked about having documents related to the Board agendas available on line.

Supervisor Kelly said he understood and appreciated Ms. Montgomery's comments. There is sometime information that cannot be presented or is not presented. It is a matter of how he presents the agenda.

The motion to adjourn was made by Supervisor Kelly at 8:20 PM, seconded by Councilman Johnson, motion passed unanimously.

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Town Clerk