

Supervisor David P. Kelly opened the Emergency Meeting of the Town Board of the Town of Pawling at 9:00 AM March 27, 2017 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Upham, Montemarano, DeRosa and approximately 8 interested citizens. Councilman Johnson was absent.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Supervisor Kelly at 9:01 AM to discuss litigation with counsel, seconded by Councilman Upham, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 9:33 AM, seconded by Councilman Upham, motion passed unanimously.

RESOLUTION/DARYL'S HOUSE

Supervisor Kelly introduced the following resolution, seconded by Councilman DeRosa and passed unanimously:

Whereas, 13th Step, LLC (d/b/a Daryl's House), have commenced a proceeding against the Town of Pawling (the Town), David Kelly, and Maxwell Real Estate Holding LLC by way of an Order to Show Cause and Summons and Complaint/ Petition, and

Whereas, the complaint alleges that the Town has reduced the allowed occupancy of Daryl's House from what was set forth in the Certificate of Occupancy dated October 27, 2014, and

Whereas, the complaint further alleges that the Town is refusing to allow Daryl's House to pursue its plan to have "outdoor backyard concerts" on the site, and

Whereas the Town Attorney for the Town has requested and suggested that the law firm of Stenger, Roberts, Davis, and Diamond be retained to assist him with this matter as they are very experienced with this type of litigation. They would represent the Town at the hourly rate of \$250.00 per hour, now, therefore, be it

Resolved, that the Town Board of the Town of Pawling hereby agrees to retain the law firm of Stenger, Roberts, Davis, and Diamond at the hourly rate of \$250.00 per hour to assist the Town Attorney with regards to the above matter, and, be it, further

Resolved, should the recommendation by joint council be made to file suit against any and all entities related to this matter, then it is hereby approved.

PUBLIC COMMENT

Kevin Gardiner asked if there was a plan for the geese at Lakeside Park.

Supervisor Kelly said Councilman Johnson continues to work on this with Wendel Weber, Supervisor of Buildings & Grounds and NYS DEC.

The motion to adjourn was made by Supervisor Kelly at 9:35 AM, seconded by Councilman DeRosa, motion passed unanimously.

Town Clerk