

Supervisor David P. Kelly opened the Workshop Meeting of the Town Board of the Town of Pawling at 7:00 PM April 5, 2017 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Upham, Johnson, Montemarano, DeRosa and approximately 20 interested citizens.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Supervisor Kelly at 7:01 PM to discuss litigation, seconded by Councilman Johnson, 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.

RESOLUTIONS

The Board discussed the proposed resolutions. Following discussion, it was agreed that the resolutions would be placed on the April 12, 2017 Town Board meeting agenda.

Following further discussion, the following action was taken on Resolution 2017063:

**Resolution 2017063
Golf Course Manager Hiring**

Whereas, the Town Board has advertised for the Golf Course Manager position, and

Whereas, 3 candidates were interviewed by members of the Town Board, and therefore, be it

Resolved, the Town Board has decided to hire - - - - for the Golf Course Manager position starting April 6, 2017.

MOTION: Councilman Johnson
SECOND: Councilman Upham

Councilman Johnson introduced an amendment to add the name of Sean Cunningham, he would begin tomorrow and add that he would be paid at the salary as adopted in the 2017 operational budget, seconded by Supervisor Kelly, motion passed unanimously.

ROLL CALL VOTE:

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

FURTHER BUSINESS

TRANSFER STATION

Councilman DeRosa said John Daley, Highway Superintendent met with someone last month and got information and pricing on a new compactor. Councilman DeRosa felt that the committee should start working on new rules and regulations for the transfer station so that changes can be made for next year, such as no longer accepting brush, clippings and large items such as furniture and appliances. He continues to work on this with the committee.

PROPOSED REZONING/1 FENWOOD DRIVE

Supervisor Kelly said there has been a request to rezone the property at 1 Fenwood Drive.

Mr. Bruce Theibouth, property owner said he would like a change of zoning for his property. He is now trying to sell the property and he would like the real estate representatives to be able to list it as commercial property.

Supervisor Kelly said the Town has received the request for rezoning and there is a process that must happen. The Town Board has transferred the request to the Implementation Committee. The Implementation Committee who advises the Town Board on zoning changes is working on this application.

Councilman DeRosa said this request for a zone change is under review by the Implementation Committee, along with another request in the same area. Since there are two properties in the same area under review, the Town will pay for the review of this proposed zoning change. He has been working with Liz Axelson from Morris Associates on the zone change and it is in the process. There are tasks that remain to be done but it is moving along. He did not feel the property could be advertised as commercial until the zoning has been changed.

Supervisor Kelly said applying for a variance is also an option if a business wanted to go in on that property before the zoning is changed.

REPORTS

KELLY

Supervisor Kelly said the Town has received acknowledgement today of the SAMS grant, which will pay \$50,000.00 for the front entrance of town hall and \$50,000.00 for the front entrance of the Legion Hall/annex building. Supervisor Kelly said last evening, the County Executive held a summit regarding the shared services grant. The focuses are on innovation, police & security and general downsizing. He will be working on a grant application over the next few weeks. The County would like to pay for items relating to ambulance services so he would be focusing on that with surrounding towns.

JOHNSON

Councilman Johnson gave an update on recreation programs and programs in addition to regular programs. Regarding Lakeside Park, he assured everyone that there is quite a process going on. The permits are in place for the treatment of the lake, the first treatment is scheduled for mid-May and the second treatment will be done after that, depending on how fast the weeds grow. As far as goose control, the Town has its first portion of the permit and this permit is issued by NYS DEC and they understand this is in the interest of public safety and welfare. They are now in the process of looking for nests and eggs and the next section of the permit will be for removal. He will not let the park close one day due to geese.

MONTEMARANO

2016 CDBG

Councilman Montemarano said the Town Board has the memorandum for the 2016 CDBG. It is ready to go.

Supervisor Kelly made a motion to release the 2016 Community Development Block Grant (CDBG) for review and comment by the County, seconded by Councilman Johnson, motion passed unanimously.

Councilman Montemarano said regarding the roof project at the Lyons Club building and Lathrop building, Wendel Weber, Supervisor of Buildings & Grounds and Curt Johnson from Zarecki & Associates have been very helpful and he continues to work on these plans.

DEROSA

Councilman DeRosa said he is recovering from knee surgery and so he hasn't been too busy. He attended the Safe Routes meeting last week with the Village of Pawling. They have communicated with the church and got them on board. The next step is to get together with Trinity Pawling to see how that can be linked. There is movement on this.

UPHAM

Councilman Upham said WestConn has decided to reduce its tuition costs for Dutchess, Putnam and Westchester residents and he asked people to keep that in mind.

OTHER BUSINESS

Supervisor Kelly said he has received a request from resident Kevin Denton for the return of a \$500.00 driveway bond from June 18, 1981. There are no records as to whether this has been returned or not. Town Counsel has requested that Mr. Denton submit an affidavit stating that he has not received the money back for this.

Councilman Johnson said the Board can follow counsel's advice and decide on this at the next meeting.

BENKO

Supervisor Kelly said Mark & Marie Benko of Holmes have requested a variance to build a barn/garage next to the Town's property adjacent to the Whaley Lake Dam. This was part of the reason the Benko's swapped property with the Town at the Whaley Lake Dam, because they knew they wanted to build a barn/garage next to the property. He will be attending the Zoning Board of Appeals meeting and acknowledge that the Benko's swapped property with the Town in order to build this barn/garage.

COMCAST FRANCHISE RENEWAL AGREEMENT

Supervisor Kelly said he has been working on this document with John Barros, Senior Manager of Government and Community Relations from Comcast. He has been able to call Mr. Barros with any problems and they are quickly resolved. He has submitted the proposed agreement to the Board and asked the Board to review and comment on it. With this agreement, he was able to bring revenue to the Town for non-reoccurring charges. This is all being done at no cost to the consumer. He hoped the Board could discuss this further in May.

PAWLING WATER DISTRICT #1

Supervisor Kelly said in PWD #1, there are a few issues that need to be addressed. The Town received an email from the Village of Pawling today saying that per a 1999 local law, the Town must have check valves on the water delivery system.

Supervisor Kelly made a motion to authorize the Supervisor to work with the engineer to come up with a specification for a bid to install check valves on the distribution system of PWD #1, seconded by Councilman Johnson.

Councilman Johnson said he is concerned that when the original bid went out, the Town must have gotten a format from the Village saying what was required. If the check valves are not in the bid, perhaps there needs to be a conversation with the engineer who prepared the bid packet. He is in favor of going forward with this.

Supervisor Kelly said he has contacted the engineer and he said they were unaware of any local laws at that time. He was not able to look at that today but he will. The Town wants to be in compliance.

The motion carried unanimously.

Supervisor Kelly said there are two residents who require repairs, one is due to a plow hitting a curb valve and the other was a freeze up on a house. Also, a meter needs to be replaced, these are emergency repairs.

Supervisor Kelly made a motion to hire Severn Trent to make emergency repairs on two residents in PWD #1 or alternate contractor, seconded by Councilman Johnson, motion passed unanimously.

PAWLING WATER DISTRICT #2

Supervisor Kelly said well number 2 went down over the weekend at PWD #2. Environmental Consultants was able to get Hyatt there to do the repairs. Prior to that, Environmental Consultants said the water tank was only half filled and he has identified the problems and submitted an estimate to do the repairs.

Supervisor Kelly made a motion to authorize Environmental Consultants to replace the filter control valves at a dollar amount not to exceed \$8,854.41 as proposed, seconded by Councilman Johnson.

Councilman Johnson asked if Supervisor Kelly would like to authorize the other repairs at the same time.

Supervisor Kelly introduced an amendment to allow Environmental Consultants to make all of the recommended repairs to the water distribution and filtration plant, seconded by Councilman Johnson.

WHALEY LAKE DAM

Supervisor Kelly went over the following information with the Board:

Whaley Lake Dam

Points of Interest

- 1) June 20, 2007 - Town Board authorizes \$2.5 million for the “Construction of Improvements to the Whaley Lake Dam”.
- 2) Various BANS have been authorized and paid off over within the past 9+ years for various engineering / consultant work, attorney, land appraisals, purchases of land, construction of roadways, MS4 required monitoring, construction drawings, postage, materials, and any other related items for the Dam Improvements.
- 3) ** The clock started to tick upon the first borrowing (30 YEARS)
- 4) Remaining funds available on the \$2.5 million Authorization is +1.3 million
- 5) NYS Gateway Grant valued at \$1 million (reimbursable)
- 6) Available Funds + \$2.3 million
- 7) Bid Process
 - a. Coyle Industries, Inc. – \$2,803,945.00 ** did not complete the necessary requirements ; not recommended by the engineers
 - b. Winn Construction Services, Inc. – \$2,877,020.00 Recommended by Kevin Flood (Fuss & O’ Neill)
- 8) Over “Budget” by \$577,020
 - a. Additional Engineering
 - i. \$452,177 for daily on site coverage
 - ii. \$220,000 for “Point Inspection per NYSDEC Regulations
 - b. “Owners Representative” - Town hired individual to watch over the Day to Day operations and to whom the contractor would work with – direct link to the Town Board
 - c. “Other Costs” – unknown items at this time : “Contingency Factor” 10%* to 20% of the overall project cost
 - i. $2,877,020 + 220,000 + 50,000 + 315,000^* = \$3,462,020$
 - ii. $3,462,020 - 2,300,000 = \$1,162,020$ (to be re authorized)
- 9) “Public Interest Order” – Permissive Referendum (30 days)
- 10) Bond Resolution – 20 day Estoppel Period (above 30 days)
- 11) Set Public Hearing, Issue “Public Interest Order”, Authorization of Bond Resolution (April 19th) 30 days is May 19th
- 12) Notice of Award, Insurance / Bonds requirements, Notice to Proceed (May 20th)
- 13) Public Vote

- a. Public Vote could take up to 120 days to execute (4 months – August)
 - b. Public Hearing, Notice requirement, Vote, Board meeting to Authorize Bond (if positive), Estoppel Period (20 days)
 - c. Notice of Award, Insurance / Bonds requirements, Notice to Proceed
- 14) Permissive Referendum – 51% Positive or Reject the Town Boards action to proceed
- 15) Q & A

Following discussion, the Board agreed to schedule a public hearing for April 19, 2017 in order to make a presentation to the Whaley Lake Dam District residents on whether to put the matter of additional borrowing for the district to a public vote or move forward with a permissive referendum. The additional monies are needed for the repairs to the dam. The dam repairs were put out to bid and it was discovered that the repairs will exceed the cost the Town has in district monies. The Board agreed they would do extensive advertising, a mailing and signage in the community to alert residents of this meeting.

Supervisor Kelly made a motion to hold a public hearing for the Whaley Lake Dam District residents for an update and options on funding and bonding verses voting, including notification by several means to residents, meeting to be held at the Holmes Whaley Lake Civic Association building in Holmes, seconded by Councilman Johnson, motion passed unanimously.

Supervisor Kelly said he would support a public interest order on this project because with the amount of work that has gone into this, he felt it needed to move forward. The residents he has spoken to want to move forward with the dam repairs. He said he would have bond counsel and the engineer for the dam in attendance at the public hearing.

ROOF AT LATHROP AND MURROW PARK

Councilman Johnson made a motion to authorize the Supervisor to begin funding for this project so that as soon as the Board has the necessary information, they can bid the project and complete the repairs, seconded by Councilman Upham, motion passed unanimously.

PUBLIC COMMENT

Vinny DiMarco said the numbers for the Whaley Lake Dam project make sense and he felt the town should move the project forward. He felt not moving forward would be much more costly. In speaking to residents within the district, he felt that everyone wanted to move the project forward. He recommended moving forward with the permissive referendum/public order. He thanked the Board for their work on this issue.

Councilman Johnson thanked Mr. Di Marco for his help on constructing the walkway.

Steve Ewing, Pawling resident, said he received a letter from the Building Department saying he had an open building permit which had run out and he owed \$600.00. He had delegated the responsibility to a builder in town. He found out that the builder died of a brain tumor. He had no idea this had happened and asked that the fee be waived.

Following discussion, Supervisor Kelly asked Councilman DeRosa to check into this with the Building Department to see how this could be resolved.

Francine Burden from 23 Prospect Street said she also received a letter from the Building Department regarding a car port, saying her permit had expired. She said her car port was completed and she went to the Building Department and told them it was complete and they needed to inspect it. She assumed it had happened but it seems it had not.

Supervisor Kelly asked Ms. Burden for a copy of the letter she received and said Councilman DeRosa would be checking into this matter.

Harvey Matcovsky said the School Board reduced the budget by \$420,000.00. This is the third year in a row that the budget has been reduced. They will be returning approximately \$569,000.00 from reserves. The five year projection, with the finances they have, is that the budget should be well under the tax cap moving forward.

Drew Montgomery asked if there was any consideration given to the alternate method to reducing the geese at Lakeside Park.

Councilman Johnson said he had spoken to NYS DEC and based on the fecal matter in the water, you can't just move the geese from one side of the lake to the other.

Al Greve said he was surprised that the weed treatment for Green Mountain Lake would happen during the summer. He hoped the public would be informed.

Councilman Johnson said there is an extensive notification process that will happen.

Mr. Greve said regarding the Whaley Lake Dam, he wanted to see this get done and he was in favor of the public order. He expressed concern about public access to Whaley Lake. There was public access and now there is not. He suggested the Town purchase land on the other side of the lake in order to plan for public access to the Whaley Lake in the future.

The motion to adjourn was made by Supervisor Kelly at 8:55 PM. Seconded by Councilman Johnson, motion passed unanimously.

Town Clerk