

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM June 14, 2017 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Upham, DeRosa, Montemarano and approximately 9 interested citizens. Councilman Johnson was absent.

Supervisor Kelly said a member of the public is making statements that the Town Board is on break, which is disturbing. Supervisor Kelly directed his comment to Mr. Gardiner, who was in the audience, saying he responded on Facebook with the definition of “break”. Also, if you look at the congressional calendar, they are gone for August, that’s a break. The State Legislature operates from January to June and they are on break after that, doing constituent work in their office. The Town Board is not on break. This is something the Town Board passes in January, approving one meeting in June, July and August. He took heed to people making personal attacks on him and the Board with the amount of work the Board does.

Councilman DeRosa said just because there is not a meeting in the beginning of the month doesn’t mean nothing gets done. People are still working five to seven days per week.

ZONING AMENDMENTS/HIGHWAY BUSINESS

The Board entertained a presentation by Liz Axelson, planner from Morris Associates on a potential change in Zoning on Route 22. Ms. Axelson said she was following up on some work that was done by the Implementation Committee, Planning Board and Town Board to consider rezoning changes on the west side of Route 22, just south of the intersection of Route 22 and Route 55. It amounts to seven parcels and approximately 14 acres of land.

Councilman DeRosa said the reason this is going forward is because in the master plan review, this was one of the requests, to see where we could expand the commercial tax base. This hasn’t been a short process.

Ms. Axelson presented a map and explained the area to be considered in the rezoning. This will be a change from residential zoning to commercial zoning. She prepared a short environmental assessment form as this is an unlisted action under SEQRA.

Councilman DeRosa said notification of property owners within 300 feet and adjacent to the proposed zone change was not required by law but he was in favor of it and wanted the Town Board approval to go ahead and do this notification. He said the Town Attorney and Ms. Axelson were in favor of doing this notification.

Ms. Axelson explained the process going forward. She included in the resolution that all of the pertinent materials would be placed on the town website in addition to the required circulations.

Supervisor Kelly said he had no problem moving forward with this. He would like Ms. Axelson to do the circulation, to keep consistency in what has been done before.

Councilman DeRosa thanked Ms. Axelson and Cathy Giordano, Town Clerk for their help getting this done. They have worked out the notification schedule.

Supervisor Kelly moved the following resolution:

RESOLUTION OF THE TOWN OF PAWLING TOWN BOARD REGARDING ZONING AMENDMENT: NYS ROUTE 22 REZONING TO HB (HIGHWAY BUSINESS) DISTRICT

INITIATION OF SEQRA, REFERRALS AND PUBLIC HEARING

Date: June , 2017

WHEREAS, the Implementation Committee exists as an advisory committee to the Town Board of the Town of Pawling; and

WHEREAS, the Implementation Committee has been tasked with recommending changes to the Town’s zoning and other planning concerns, based on objectives, goals and strategies as set forth in the Comprehensive Plan Update (CPU), directly to the Town Board; and

WHEREAS, the Implementation Committee has recommended that the Code of the Town of Pawling, Chapter 215 shall be amended corresponding to Article III, Section 215-5 Zoning Map. Specifically, the zoning map shall be revised to show that approximately 14.02 acres of land on the west side of New York State (NYS) Route 22 consisting of seven (7) parcels now located in the R-1 (1-Acre Residential) zoning district will be rezoned to a commercial designation, the HB (Highway Business) zoning district; and

WHEREAS, the Implementation Committee has conferred with the Town of Pawling Planning Board about the proposed rezoning of the HB district given the Planning Board's knowledge of the ongoing land development within the community; and

WHEREAS, the Town Board has considered the recommendation of the Implementation Committee as set forth in the proposed local law; and

WHEREAS, the parcels are under consideration for a zoning change to a business district due to the following site characteristics: lot frontage on Route 22; location immediately south of the MBI (Mixed Business Industry) zone; and across Route 22 from the PDD (Planned Development District), a mixed use zone with links to nearby nonresidential zoning and development; and land with no or few environmental constraints such as wetlands, floodplains, bedrock outcrops, etc.; and

WHEREAS, an expanded Short Environmental Assessment Form (Short EAF) with attached narrative, and a map has been prepared to address adoption of the proposed rezoning as the "Proposed Action" pursuant to 6 NYCRR Part 617, New York State Environmental Quality Review Act (SEQRA) regulations;

NOW THEREFORE BE IT RESOLVED, that the Town of Pawling Town Board hereby classifies the Proposed Action as an Unlisted 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 rezoning; 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 local law for the proposed rezoning, the Short EAF, map and narrative, will be circulated to the involved and interested agencies in the list attached to the Notice; and

BE IT FURTHER RESOLVED, that the local law for the proposed rezoning, the Short EAF, map and narrative shall be referred to the Town of Pawling Planning Board for an advisory report based on their planning and zoning review of the recommended rezoning 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

BE IT FURTHER RESOLVED, that the Town Board will hold a public hearing on the proposed rezoning on Wednesday, July 12, 2017 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 SEQRA Lead Agency Notice, the local law for the proposed rezoning, the Short EAF, map and narrative will be available at town hall; and electronic versions of the same materials will be available on the town's website; and

BE IT FURTHER RESOLVED, that the a copy of the SEQRA Lead Agency Notice, the local law for the proposed rezoning, the Short EAF, map and narrative 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.

The vote was:

Supervisor David P. Kelly	“AYE”
Councilman Phillip DeRosa	“AYE”
Councilman William Johnson	“ABSENT”
Councilman Paul Upham	“AYE”
Councilman Michael Montemarano	“AYE”

REBUILDING TOGETHER

The Board entertained a presentation by Melissa Adamo from Rebuilding Together Dutchess County. Rebuilding Together Dutchess County is a non-profit organization that provides critical home repairs cost free to income qualified homeowners. They try to help people age safely and healthily in their home so they are not forced to live in assisted living. They provide all kinds of repairs. They are currently piloting a fire safety program, which is in conjunction with the American Red Cross to install fire alarms as well as carbon monoxide detectors cost free as long as you qualify with no age limit. They are looking for more support throughout municipalities in Dutchess County and want to raise awareness for this program. Their main focus is elderly, people with disabilities and veterans.

The Board thanked Ms. Adamo for her presentation.

PUBLIC COMMENT ON AGENDA ITEMS

Harvey Matcovsky said it was nice to see that the roof at the Lathrop building will soon be repaired. He asked for details of the Hoffman trust fund.

Supervisor Kelly said he did not have those numbers right now but it is somewhere around \$375,000.00. The origin of the Hoffman trust was money that it was left by a family in memory of a family member, to be used for capital projects, it cannot be used for operational expenses.

Mr. Matcovsky said regarding the purchase of new trucks, he hoped the Board had the foresight to take into account their inventory of equipment was aging and had appropriated monies in the budget rather than taking it from unappropriated fund balance. He was glad to see the wages of the lifeguards was being raised.

Supervisor Kelly said the cost of one of the trucks was paid out of additional revenues brought in by the Building Department. Since the Town has been prudent with its money, the Town does not have the luxury of being able to over tax residents and put money aside in capital reserve accounts for future spending. When the Town does have an overage, they realize it is better to spend the fund balance then it is to retain it and over tax.

MINUTES

Supervisor Kelly made a motion to approve the minutes of May 3, 2017 and May 10, 2017, seconded by Councilman DeRosa, motion passed unanimously.

RESOLUTIONS

Resolution 2017069 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 2017577 through 2017783, 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 \$497,600.15.

MOTION: Supervisor Kelly

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2017070
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 candidates that have or will need to be qualified and trained individuals, pursuant to NYS DCJS, as they apply to the Town, and,

Whereas, Michael Barone has applied for the position of part-time Constable, and,

Whereas, Chief Constable Kelly has conducted an interview with the applicant and will recommend that the Town hire Michael Barone, on a part-time basis, as soon as possible, now, therefore, be it

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

MOTION: Supervisor Kelly

SECOND: Councilman DeRosa

ROLL CALL VOTE:

Councilman Johnson – “ABSENT”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2017071
Budget Transfers**

Whereas, budget transfers are needed from time to time for proper accountability, control and operation of a municipality's budget, now, therefore, be it

Resolved, that the Town Board hereby authorizes the following budgetary transfers to pay for the cost of purchasing #3 new pickup trucks; (1- Building Department, 1 – Recreation, 1- Buildings & Grounds w/ plow & sander).

Reduce: Un-appropriated Fund Balance	\$105,000
Increase: A1620.200	105,000

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

**Resolution 2017072
Budget Transfers**

Whereas, budget transfers are needed from time to time for proper accountability, control and operation of a municipality's budget, now, therefore, be it

Resolved, that the Town Board hereby authorizes the following budgetary transfers to pay for the cost of Capital Projects; Roof Repair at Lakeside Park (Lathrop), Town Hall Entrance Improvements, and Town Hall Annex Entrance Improvements, and, be it, further

Resolved, that proceeds from any and all grants received by the Town of Pawling related to said above mentioned projects shall be used solely to reimburse the Hoffman Trust Fund.

Reduce: Hoffman Trust Fund	\$225,000
Increase: A1620.400	225,000

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

Resolution 2017073
Cable Franchise Agreement – Comcast

Whereas, the Town of Pawling has a “Franchise Agreement” with Comcast that has expired, and

Whereas, the Town Supervisor and Comcast have come to agreement on a new 15 year agreement, and

Whereas, the Town will increase the quarterly revenue to the Town without Comcast increasing fees to its town customer base by providing for additional funding through the collection of fees through “Late Payments, Home Shopping Network, and other recurring charges as allowed by the Federal Communication Commission (FCC)”, and

Whereas, during times of emergency situations (natural disasters), Comcast’s communication with town officials will be reduced to hours not days, now, therefore, be it

Resolved, that the Town Board hereby approves the Comcast Franchise Agreement and authorizes the Supervisor to sign such agreement.

MOTION: Supervisor Kelly
SECOND: Councilman DeRosa

Councilman Upham commended Supervisor Kelly for the work he has done with Comcast. This is a benefit to everyone in town.

Councilman DeRosa agreed.

Supervisor Kelly said the Town will receive additional revenues with this agreement with no increase to the residents.

ROLL CALL VOTE:

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

Resolution 2017074
Beach – Waterfront at Lakeside Park

Whereas, the Town of Pawling Recreation Department operates the beachfront at Lakeside Park for swimming and other waterfront activities from Memorial Day Weekend through Labor Day Weekend, and

Whereas, the Recreation Director and Assistant Recreation Director have experienced delays in hiring staff for the operation of the beachfront for both general population usage and the Town’s Summer Camp activities, and

Whereas, the Recreation Director along with the Recreation Department’s Town Board Liaison William Johnson have researched and suggested changes to the pay scale of the Lifeguards employed by the Town for said purpose, now, therefore, be it

Resolved, that the rate of pay for Lifeguards employed by the Town of Pawling Recreation Department (Beach) are hereby changed to:

- 1) 1st year guards starting rate of pay to \$10.00 per hour
- 2) All previously employed guards are awarded a .25 cent per hour increase based on #1 above
- 3) All above changes are subject to retro - active pay dating back to May 26, 2017 for time worked.

And, be it, further

Resolved, the Town Board hereby authorizes the transfer of \$1500.00 from Teen Center A7145.100 to Beach A7230.100.

MOTION: Supervisor Kelly
 SECOND: Councilman DeRosa

ROLL CALL VOTE:

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

DISCUSSION/TRANSFER STATION

Councilman DeRosa gave an update on the transfer station, saying there is currently a problem with the compactor. John Daley, Highway Superintendent contacted Royal and had their maintenance person look at it and found that it is so old that we can’t get parts for it. Mr. Daley found that repairing the compactor would cost approximately \$25,000.00. The other issue is that the inspection runs out on the hauling truck the end of July and they do not feel it will pass inspection. The Board needs to consider both of these issues pretty quickly.

Supervisor Kelly said the purchase of the truck will be \$300,000.00 to \$350,000.00. There are a lot of deficiencies at the transfer station which is why the Board began looking at it as a whole. The Board will need to look at options for the compactor and possibly leasing a truck.

Councilman DeRosa said the transfer station attendant has been filling out reports in order to get a history of what is going on there. He explained the questionnaire and results to the Board, saying part of the problem is that some of the existing rules are not being adhered to and we need constables at the transfer station to enforce the rules. He would like to see the current rules enforced before any changes are made. Some rule changes he is suggesting are no brush, limiting number of tires, limiting household garbage to six 33 gallon bags per week, possibly charging for household items such as furniture and possibly commercial stickers or a weight limit. He is bringing this up now because the Board has approximately six months to change the rules for next year.

ROOF REPAIR AT THE LATHROP BUILDING AT LAKESIDE PARK

Supervisor Kelly said the roof repair was put out to bid and two companies bid on it.

Wendel Weber, Supervisor of Buildings & Grounds explained the proposal was for a three step process silicone roof repair, and he explained the process, saying there were three warranty options, ten years, fifteen years and twenty years and of course the price increases with the number of years. He said he looked into a pitched roof but it would cost a lot more money and he did not feel it could be done by next winter.

Supervisor Kelly asked Mr. Weber for his recommendation.

Mr. Weber said both bidders are qualified to do the job so he would go with the low bidder and get it done.

Supervisor Kelly said a letter was submitted from Zarecki & Associates, Town Engineer, recommending the Board award the bid to the low bidder.

Councilman Upham said this is really an emergency.

Mr. Weber said yes, it is.

Councilman DeRosa suggested the Board approve this with the 20 year warranty.

Supervisor Kelly and the Board agreed.

Following further discussion, Supervisor Kelly made a motion to contract with A Superior Exterior Contracting for the roof at Lathrop at Lakeside Park and to allow the Supervisor to execute any and all documents for said repairs to the roof, seconded by Councilman DeRosa, motion passed unanimously.

WATERFRONT AT LAKESIDE PARK

The company, SOLitude Lake Management was at the lake doing an application today and they saw more weeds. They also spotted some algae on the beachfront. They would like to do an algae treatment which is in the contract. In order to do this treatment, they will have to notify NYS DEC 14 days in advance and they only have a 10 day window to do it from when they do that notification. He is working with Melissa Smith, Recreation Director to see when the best time is to do that as the waterfront will have to be closed for 24 hours once the treatment is done. The cost will be approximately \$1,800.00.

Supervisor Kelly made a motion to contract with SOLitude Lake Management for the additional treatment per the contract, seconded by Councilman DeRosa, motion passed unanimously.

PUBLIC COMMENT

Vinny DiMarco thanked the Board for their hard work. He is aware of the work that goes on behind the scenes and if it was up to him, he would give the Board the months of July and August off.

Helen Grosso asked if the information Liz Axelson talked about would be posted on line.

Supervisor Kelly said it states in the resolution that the information would be posted on line.

Mrs. Grosso asked about Whaley Lake and if that was going forward this year.

Supervisor Kelly said bond counsel is working with the engineer. There have been multiple conversations, meetings and conference calls on this. He was hoping to have a bond resolution today but it could happen at any time. The project will happen this year.

Mrs. Grosso said she had a lot of real concerns about the numbers for the transfer station, because the attendant is only there 20 hours per week. A lot of data is missing because the attendant is only there part time and she did not think the numbers were accurate.

Supervisor Kelly said the Board has tried to get people up there all of the time the transfer station is open but there haven't been many applicants. The Board has opted for part time employees for this in order to save taxpayer dollars.

Councilman DeRosa said this is the very first sampling of information. The time periods are varied. He felt in another month or two, there should be a clearer picture.

Mrs. Grosso said regarding the six month time frame, she wished the Board would call in a committee of interested people who really want to help.

Peter Cris, President of the Chamber of Commerce announced the Chamber of Commerce meeting this coming Tuesday for a presentation by Castagna to update the community on what is going on with the project. The Rotary Club and Chamber are hosting it at the Brady Brook Falls clubhouse at 7 PM. He reminded everyone that the USSBA is coming back on June 25th at Brady Brook Falls to talk about small business development and everyone is welcome.

Bill Dietz from 27 Meadow Lane, Pawling asked about transfer station revenues in relation to expenses. Also, he understood that there is an effort at the State and County level to look at shared services, where members of municipalities are meeting to make recommendations. He asked if Supervisor Kelly was familiar with that and if he could give an update on how it might affect Pawling.

Supervisor Kelly said he did not have the transfer station revenues and expenses this evening but he would provide them to Mr. Dietz. Regarding the shared services, he is a member of the committee per orders of the County Executive. He has attended all meetings and items

that are being looked at are county wide assessment, tax collection and purchasing. There were not a lot of things to be put on the table because towns already do a lot of sharing of services. The County will formulate an overall plan and present it to the legislature to be adopted and it will then be passed to the Supervisors and Mayors who will then have the right to join or opt out of the plan. There will be three public hearings and it will then be put on the ballot for residents to vote on in the general election. Supervisor Kelly said the Town of Pawling has a fuel farm at the Highway Department, which is a shared service and could be expanded to add the School District's use.

Harvey Matcovsky said on behalf of the Board of Education and the Superintendent Dr. Ward, he wanted to thank the community for their overwhelming approval of the budget and the propositions, the School Board appreciates the community's support. Also on behalf of the School Board, he invited Supervisor Kelly to the graduation ceremony a week from Friday.

Helen Grosso asked if the fire department could be added to share the fuel master.

Supervisor Kelly said the fire department does not have fuel master. Also, the Highway Department is locked and if the fire department had to get fuel, they would need access. It could be discussed.

Lori Spaccarelli from 17 Dr. Fallon Lane asked how contracts were established with NYSEG for tree trimming in the area.

Supervisor Kelly said that tree trimming is NYSEG's program and it has nothing to do with the Town. He did have a contact person and he could give Ms. Spaccarelli so she could contact NYSEG to express her concerns.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Supervisor Kelly at 8:05 PM to discuss litigation, seconded by Councilman Upham, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 8:15 PM, seconded by Councilman Upham, motion passed unanimously.

The motion to adjourn was made by Supervisor Kelly at 8:16 PM, seconded by Councilman DeRosa, motion passed unanimously.

Town Clerk