

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM July 12, 2017 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Upham, DeRosa, Montemarano, Johnson and approximately 33 interested citizens.

**PUBLIC HEARING: ZONING CHANGES: REZONING OF PARCELS INTO THE HIGHWAY BUSINESS ZONE**

Liz Axelson, Town Consultant from Morris Associates gave a brief presentation, explaining that this zone change affects seven lots totaling approximately 14 acres. There is a Planned Development District across the street and an MBI zone to the north. There are no development constraints on these sites. The Town Board took a number of actions at the last meeting to initiate SEQRA and a zoning review of this proposal. The Town adopted a resolution at the last meeting and since then, she worked with Cathy Giordano, Town Clerk, JoAnne Daley, Planning Board Secretary to circulate full packets to many different agencies as required. In addition, mailings were sent to the owners of the properties that are being rezoned and also the adjoining property owners to advise them that the Town Board was considering this, which is not a required step but it was done anyway. The public hearing notice was properly published in the newspaper on June 21<sup>st</sup> and June 28<sup>th</sup> as required. A recommendation was received from the Planning Board. So the Board's ducks are in a row at this point. She recommended that the public hearing be continued to the next meeting in August.

Councilman DeRosa said in the last master plan update, the Implementation Committee, which he is Chairman of, was charged with looking at areas in the Town where the commercial zoning could be expanded. The Implementation Committee came up with the recommendation to change the Route 22 corridor to commercial, which is an environmentally sensitive area. There is no perfect plan for a town, it is determined by the Town, which is why each town creates its own Master Plan. Part of the Planning Board's recommendation included a parcel that is zoned R4 and MBI, the recommendation being the parcel be changed entirely to MBI.

Ms. Axelson suggested this be done in the next update by the Implementation Committee, saying she would like to take a closer look at that parcel.

The Board agreed.

Supervisor Kelly opened the public hearing.

Mr. Brian Clingerman said he and his wife Sondra own the southernmost parcel of the seven in question. This is the first they are hearing of this change. They appreciated being notified and he appreciated the explanation of why the Board is looking at this being rezoned to HB. To share his concerns, 19 years ago they were looking for an existing log home in a very private area and they literally found it. They purchased the home that Jack Ryer built. They are concerned about their property taxes going up if the zone was changed and asked if their property value would go down. Would they have a "Jiffy Lube" sign blinking in their bedroom window? They love it here in Pawling and they don't want to move out of that home and they are concerned about how they would be affected.

Supervisor Kelly said the Clingerman's property would be classified as Highway Business, which is in a higher tax rate so the taxes may be slightly higher. He would have the assessor run actual numbers between now and the next meeting. The Board is not looking at voting tonight on this.

Mr. Clingerman asked if this was a foregone conclusion that this will take place and his taxes will go up.

Supervisor Kelly said it is not a foregone conclusion, it is a time to hear comments from residents and then weigh the options. The Board has been talking about this for approximately eighteen months and will take all comments under advisement.

Councilman DeRosa said the Town Board did not have to issue the letters to property owners but chose to do so to ensure everyone was aware of this proposal.

Mr. Clingerman said he appreciated it because they really love their home and don't want to move out of Pawling.

Helen Grosso said it looks like the auto dealer parcels are already commercial and if not, she asked how they were able to continue their business.

Supervisor Kelly said no, they are not commercial, they are residential and are some of the property owners who asked for this change. They were pre-existing, non-conforming situations, which is why they were able to continue.

Mrs. Grosso said she was surprised that Mr. Clingerman had no idea about the proposed change but she was glad the Board was considering it. She was glad the public hearing was remaining open as she wanted to look closely at the proposed change.

Dave Zublin, property owner of 125 Route 22, asked if the Town votes to go ahead and do this, are there any exemptions of what can be on this property.

Supervisor Kelly said there are allowable uses in the zoning code and a required process that would need to happen.

Mr. Zublin expressed concern that there could be another cell tower debacle by making this change.

There were no further comments from the public.

Supervisor Kelly made a motion to keep the public hearing open until August 9, 2017 for written comments between now and August 9<sup>th</sup> and to allow verbal comments at the Board meeting, seconded by Councilman DeRosa, motion passed unanimously.

### **PUBLIC COMMENT ON AGENDA ITEMS**

Helen Grosso asked about the proposal to outsource payroll. She asked if KVS is used to prepare the Town's budget.

Supervisor Kelly said there are only certain modules the Town has for the KVS software system. The Town does their payroll checks, financial management and can do asset management with KVS as well. When KVS was purchased, it was not a windows based system. There are many municipalities and agencies that use this software throughout the County and Country. It is becoming an aging software and there are better products out there. There have been many issues with payroll and there are potential savings in the 2018 budget by moving to another platform for payroll.

Mrs. Grosso asked if the budget that is posted on line is produced in Excel.

Supervisor Kelly said yes, it is.

Mrs. Grosso said there are things that don't add up in the budget that is posted on line and she would like to talk to Supervisor Kelly about the budget.

Supervisor Kelly said he has never turned Mrs. Grosso down for a meeting and asked her to call his office to schedule a meeting.

### **MINUTES**

Supervisor Kelly made a motion to approve the minutes of June 14, 2017, seconded by Councilman DeRosa and passed with the following roll call vote:

Councilman Johnson – “ABSTAINED”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

### **CONSENT AGENDA**

#### **Resolution 2017076 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 20177805 through 2017941, 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 \$194,539.01.

**Resolution 2017077**  
**Billing for Pawling Water District #2**

Whereas, Pawling Water District #2 bills need to be approved by the Pawling Town Board, and,

Whereas, the bills have been prepared and submitted in the amount of \$ 14,256.25 for the period of April 1, 2017 through June 30, 2017 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 #2.

MOTION: Councilman Johnson  
SECOND: Councilman Upham

**ROLL CALL VOTE:**

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

**NON-CONSENT AGENDA**

**Resolution 2017078**  
**Acceptance – Bid Whaley Lake Dam**

Whereas, the Town Board has advertised for sealed bids for the Reconstruction of the Whaley Lake Dam, and

Whereas, the bids were opened on March 24, 2017 at 10 am by the Town Clerk at the Pawling Town Hall located at 160 Charles Colman Blvd., Pawling New York, and

Whereas, the Engineer working with the Town on the dam project (the Town’s Engineer) has reviewed all the bids for completeness and responsiveness and has recommended that Winn Construction Services, Inc. of Amsterdam New York is the lowest responsible bidder and be awarded the contract for Reconstruction of the Whaley Lake Dam per the drawings and specifications set forth in the bid packet for the maximum amount of \$2,877,020.00, and

Whereas, the cost for the project exceeds the available funding secured by the Town on behalf of the district residents, and

Whereas, the Town Board has set a date for a Public Hearing on Friday, July 21, 2017 at 7 pm to increase the maximum amount to expended for the project and to authorize additional funding for completion of the reconstruction of the Whaley Lake Dam, and

Whereas, the Town through the original funding authorization has the funds available to start portions of the approved scope of work for the Reconstruction of the Whaley Lake Dam, and

Whereas, the Town’s Engineer is working with Winn Construction to set a list of project tasks to start the project at this time while the authorization to increase the maximum amount to be expended and the additional funding is being sought, and

Whereas, the Town, the Town's Engineer and Winn Construction Services, Inc. have agreed that "Phasing" the project would be beneficial to the district residents and the project, now, therefore, be it

Resolved, that the Town Board hereby awards the Reconstruction of the Whaley Lake Dam project to Winn Construction Services, Inc. 180 Fuller Road, Amsterdam, New York with the following stipulations:

1. The Town's fiscal allowance is set at \$1,000,000 (one million US Dollars) for the first phase of the Reconstruction of the Whaley Lake Dam Project.
2. Winn Construction Services, Inc. will not be authorized to proceed with the first phase of the Reconstruction until such time as the additional funding for completion of the Reconstruction has been approved, anticipated to occur with the aforementioned Public Hearing, subject to permissive referendum.
3. When the additional funding becomes available, Winn Construction Services will complete the remaining phases and/ or items within the bid packet per the specification's set forth in the bid documents.

And, be it, further

Resolved, that the Town Supervisor is hereby authorized to complete and sign all of the necessary contracts and documents pertaining to the Reconstruction of the Whaley Lake Dam Project, subject to final review and approval by the Town Engineer, Town Attorney and/or Special Counsel to the Town.

**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 2017079  
Pawling Community Foundation Municipal Endorsement**

Whereas, the Pawling Community Foundation is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a park project *or* Recreational Trails Program for a trail project to be located in Pawling, a site located within the territorial jurisdiction of this Board, and

Whereas, as a requirement under the rules of these programs, said not-for-profit corporation must obtain the approval/endorsement of the governing body of the municipality in which the project will be located", now, therefore be it

Resolved, that this Town Board of Pawling hereby does approve and endorse the application of the Pawling Community Foundation for a grant under the Environmental Protection Fund for a park project *or* Recreational Trails Program for a trail project known as One Community One Park and located within this community. And further, be it

Resolved, it shall be known that any proposed project(s) are located on Town owned property and shall be forever maintained by the Town of Pawling unless other consideration and agreements have been formally acted upon by both entities.

**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/TRANSFER STATION**

Councilman Johnson said there is a pump unit that needs to be ordered for the compactor. John Daley, Highway Superintendent/Transfer Station Manager has done his homework and this particular unit would be compatible with any upgraded compactor going forward.

Mr. Daley said this unit would definitely be compatible with a new compactor, which will be needed soon. This is a NJPA purchase, which is nationwide with better pricing. The price includes installation.

Councilman Johnson made a motion to authorize Mr. Daley to order the pump from Vasso Systems, Inc. under the NJPA Contract number 060612-ESG at a total not to exceed \$12,342.00, seconded by Councilman DeRosa, motion passed unanimously.

Mr. Daley said the truck is coming off the road at the end of this month and he will be making calls to get prices on getting the trash hauled out.

Supervisor Kelly suggested going out to an immediate RFP on hauling services to see what the cost would be.

Following discussion, the Board agreed to look at prices of hauling service prices.

Councilman DeRosa said he would like to post signs at the transfer station saying that the permit is required and must be affixed to the vehicle. He has also spoken to Chief Constable Mike Kelly about having constables at the transfer station so as to stop people with no permit or no permit affixed to their vehicle from dumping their garbage. He felt that rule changes for next year need to be considered. One rule he felt should be accepted for next year is the Town not accept brush at the transfer station. Before many rules/changes are suggested, he would like get a full report from all of the attendants who were recently hired.

**DISCUSSION/OUTSOURCING TOWN PAYROLL**

Supervisor Kelly said Andrew Forman, Town Bookkeeper gave a presentation on July 7<sup>th</sup> regarding outsourcing payroll. Supervisor Kelly said for the past couple of years, he has been talking with the previous Bookkeeper Jerry Terwilliger about possibly outsourcing payroll. There have been problems over the past few years with payroll. This is something that needs to be seamless and should not be a headache. He has spoken to seven companies and narrowed it down to three companies, ADP, Paychex and Paycor. After multiple presentations, he and Mr. Forman narrowed it down to Paychex. He gave an over view of the process Paychex would use, saying there would be time clocks for the employees and the department heads would go into the program and approve their employees time. Benefit time would also be in the program and the employee can see and request their time within the program. It is a better way of managing things. The annual cost is \$8,100.00, implementation cost is \$500.00. That includes the time clocks.

Councilman Johnson said he would like to see the proposals and he wanted to talk to other towns if any use this system.

Councilman Upham said he has spoken with Mr. Forman about this but would like to see more information.

Supervisor Kelly said if the Board does go with this system, there will be savings in the Bookkeeping Department to pay for this next year. He said he would provide more information to the Board.

## **CASTAGNA BOND RELEASE**

Supervisor Kelly said he received a letter from Pete Setaro from Morris Associates saying that all issues have been resolved and the bonds could be released.

Supervisor Kelly made a motion to complete the final bond restorations for the senior housing project as proposed by the Engineer to the Town on the Castagna senior housing Route 22 sewer and bond release, seconded by Councilman Johnson, motion passed unanimously.

## **TENNIS COURTS**

Councilman Johnson said he is looking at getting the tennis courts up to snuff and he will be having a discussion with Mr. Bellucci from Pawling Schools next week regarding funding for this project. He would explore options and get back to the Board with his research.

## **GOLF COURSE**

Councilman DeRosa asked about using some of the materials from the school project for paths at the golf course. The golf course looks good and Jason Watson is doing a great job.

Councilman Johnson said things are going well at the golf course and it has been a very positive year so far.

## **PUBLIC COMMENT**

Betsy Montgomery from Quaker Hill Road in the Village of Pawling asked if there were plans to replace the carpets and ceiling tiles at the Lathrop building once the roof is repaired.

Supervisor Kelly said not at this point but that could be the next phase of the project.

Mrs. Montgomery asked about the RFP for the food concession at the golf course.

Councilman Johnson said the building would have required too much work and he was considering a food truck but there wasn't a lot of interest. He will be discussing this with the golf course manager when they meet next week.

Mr. Ted L'Estrange from Otisville, New York, on behalf of the Falun Gong Practitioners in the Hudson Valley, submitted information and made a presentation to the Board regarding organ harvesting in China. He asked the Board to sponsor a motion to stop this practice around the world.

The Board thanked Mr. L'Estrange for his presentation.

Dave Zublin said he sent a letter three weeks ago regarding Daryl's House. He has not received a response back yet.

Supervisor Kelly said he is doing research and meeting with the Code Enforcement Officer and special counsel to the Town on a response to Mr. Zublin. A response letter is being prepared.

Mr. Zublin said he would like to know if the health care for municipal workers for lifetime benefits had been changed to 20 years of service.

Supervisor Kelly said that is correct.

Mr. Zublin asked if the Town Board had grandfathered themselves in.

Supervisor Kelly said no. He said it would be at your date of hire. For instance, if the change took place in 2014 and he took office in 2010, that means he would be under the old law or benefit package. You don't change the benefit for people in office, it would change for incoming people after the date of the change.

Mr. Zublin said so anyone hired in municipal after the date that was implemented has to do 20 years but everyone before that has to do 10 years.

Supervisor Kelly said that is correct.

Glenn Carey, Village of Pawling, said he would like to talk about Pawling Tax Cut.org for a moment since the Town Board has been the brunt of their attacks over the past two or three months. He uses the word attacks because a lot of their postings have been mean spirited and have attacked a number of council members and the Town Board as a whole. Their spokesperson on Pawling Tax Cut.org is Kevin Gardiner, who is here this evening. Kevin has

posted on their behalf from the beginning. The real concern lately is an ethical issue and that is that lately Mr. Gardiner is not only posting on behalf of Pawling Tax Cut.org but he is also posting on behalf of himself. So he is really directing conversation in a manner in which he is using two personas to do that. This is a great concern for an organization that has said it is trying to work to lower taxes in Pawling. He is very disappointed this evening to hear one member in particular of the Pawling Tax Cut group, who has come to many, many meetings where the zoning along Route 22 has been under discussion for quite some time, she makes a statement as though the Town Board was trying to pull the wool over someone's eyes or pull a fast one. If you read the post earlier today by Pawling Tax Cut, it leads one to believe the same thing, as though this has just happened. The posting was really not an appropriate posting. It should have provided more facts and welcomed people to come to the meeting and get educated about what is going on. If this group wants to have any meaningful difference on taxes, it is going to be by commercial development in this community. Without commercial development, there will be no real tax relief. Pawling Tax Cut.org has been in existence for four years and they have yet to reach out to the Pawling Chamber or the municipal governments about sitting down and talking about economic development and that is the crux of the problem here. They were also critical of the funding for the Highway Department in not having any more money allocated. If the Town Board added one more dime, they would have been criticized for that. They post that the school taxes have gone down. The school taxes went down because the taxpayers were over taxed and the money was given back.

Supervisor Kelly said Mr. Gardiner continuously posts that meetings have been cancelled. Supervisor Kelly said he continues to state that in January at the reorg meeting, the meetings are set. So the meetings have not been cancelled, they are set. He asked for the betterment that the word cancelled is taken down because it is false, it is a lie.

Coleen Snow, 50 Mohawk Trail, asked the Town Board to consider a meet the candidate's night.

Supervisor Kelly said that is political and this Town Board meeting is not political. He suggested she contact the respective party chairs to suggest that.

Lori Johnson said the Pawling Rotary Club is sponsoring a stuff the bus event at Hannaford's this Saturday from 8 AM to 1 PM to benefit the Pawling Resource Center.

Councilman Johnson made a motion to adjourn the meeting at 8:20 PM, seconded by Councilman DeRosa, motion passed unanimously.

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Town Clerk