

Supervisor David P. Kelly opened the Regular Meeting of the Town Board of the Town of Pawling at 7:00 PM November 8, 2017 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Upham, DeRosa, Montemarano, Johnson and approximately 22 interested citizens.

Supervisor Kelly congratulated all of the winners of the election and all who did not win, but it is all about being part of the process. He wished everyone the best of luck in 2018 and urged everyone to stay involved to make this Town the best it can be.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Supervisor Kelly at 7:05 PM to discuss contract litigation, seconded by Councilman Upham, motion passed unanimously.

The motion to return to the regular order of business was made by Supervisor Kelly at 7:30 PM, seconded by Councilman Johnson, motion passed unanimously.

MINUTES

Supervisor Kelly made a motion to approve the minutes of October 4, 2017, October 11, 2017 and October 27, 2017, seconded by Councilman Johnson, motion passed unanimously.

CONSENT AGENDA

Resolution 2017103 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 2018264 through 2018563, 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 \$ 584,850.75.

Resolution 2017104 Billing for Pawling Water District #1

Whereas, Pawling Water District #1 bills need to be approved by the Pawling Town Board, and,

Whereas, the bills have been prepared and submitted in the amount of \$2,208.80 for the period of August 1, 2017 through October 31, 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 #1.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

NON-CONSENT

**Resolution 2017105
Kirby Hill Farm – Reduction in fees**

Whereas, Mr. Diamond, representing DP59 LLC, Inc., owners of Kirby Hill Farm, came before the Town Board requesting a reduction in fees for a site plan review, and,

Whereas, Mr. Diamond is requesting a partial change of use to allow a limited number of social events to take place within a single barn at the farm, therefore, be it

Resolved, the Town Board hereby refers this matter to the Planning Board for review and recommendation.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

Councilman DeRosa said if they do not agree with what the Planning Board or Town Board decide, they can make a request to Ag & Markets to see if it is unreasonable.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

**Resolution 2017106
Pawling Soccer Club Equipment Shed**

Whereas, the Pawling Soccer Club has requested that they be allowed to place a 10ft x 10ft equipment shed at Lakeside Park next to the Teen Center shed, and,

Whereas, the Pawling Soccer Club and Town Board have consulted with the Buildings and Grounds Department, and

Whereas, the Pawling Soccer Club agrees to purchase a shed similar in appearance to the existing Teen Center shed and maintain the shed properly, therefore, be it

Resolved, the Town Board hereby grants the Pawling Soccer Club permission to place a 10ft x 10ft equipment shed in Lakeside Park next to the Teen Center shed.

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 2017107
Truck Bond – Amended

Whereas, the Town of Pawling Highway Superintendent has recommended the acquisition through the use of contracts led by Onondaga County, a political subdivision of New York State payment to General of Municipal Law §103(16) to the Town of certain machinery, equipment and vehicles to be used in the operation of the Highway Department; now, therefore be it

Resolved, that resolution No. 2017102 is hereby rescinded; and be it further

Resolved, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Pawling, Dutchess County, New York, as follows:

SECTION 1. The purchase for the Town of Pawling of certain machinery and apparatus, for construction and maintenance for use by its Highway Department, to be used in the operation of its Highway Department is hereby authorized at a maximum estimated cost of said purchase, including preliminary costs and costs incidental thereto and financing thereof of \$175,000 and such amount is hereby appropriated therefore.

SECTION 2. it is hereby determined that said purposes and object or purpose as described in Subdivision 28 of section 11.00 of the Local Finance Law and the probable usefulness of said purchase is 15 years.

SECTION 3: The plan for financing in part, such maximum estimated cost, is by the issuance of \$175,000 serial bonds of said Town hereby authorized to be issued therefor, pursuant to the provisions of the Local Finance Law.

SECTION 4: It is hereby determined that each of the aforesaid purposes constitutes a Type II action as defined under the State Environmental Quality Review Act 6 NYCRR Part 617, which the Town has determined under SEQRA not to have a significant impact on the environment.

SECTION 5: It is hereby determined that the maximum maturity of the serial bonds herein authorized will not exceed five (5) years and that no down payment is required pursuant to the provisions of Section 107.00 of the Local Finance Law.

SECTION 6: The faith and credit of said Town of Pawling, Dutchess County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town of tax sufficient to pay the principal of an interest on such bonds as the same become due and payable.

SECTION 7: Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such note, is hereby delegated to the Town Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner as may be prescribed by said Town Supervisor, consistent with the provisions of the Local Finance Law.

SECTION 8: All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Town Supervisor, the chief fiscal

officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Town Supervisor shall determine consistent with the provisions of the Local Finance Law.

SECTION 9: The validity of such bonds and bond anticipation notes may be contested only if:

1. Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
2. The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of publication, or
3. Such obligations are authorized in violation of the provisions of the constitution.

SECTION 9: This resolution, shall be published in summary form in the Poughkeepsie Journal, which is hereby designated as the official newspaper of said Town for such purpose together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

SECTION 10: The resolution is subject to permissive referendum.

MOTION: Supervisor Kelly

SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman Upham – “AYE”

Councilman Montemarano – “AYE”

Supervisor Kelly – “AYE”

FURTHER BUSINESS

DECEMBERFEST

The Board entertained a presentation by Peter Cris, President of the Pawling Chamber of Commerce regarding the tree lighting, also called Decemberfest. He stated tree lighting has always been a Chamber sponsored and funded event. This event has become increasingly expensive and the Chamber can no longer afford to fund it. The Chamber is asking the Town and Village of Pawling to donate to this event so that it can continue. Through the years they have relied on large contributing donors, and they are no longer with us, which is the reason they came up significantly short. The Chamber would be happy to run tree lighting but they need financial support for it.

Mayor Robert Liffland and Village Trustees Earl Slocum and Dan Peters were present. Mayor Liffland felt this was an important event and they felt it should continue. He stated the Village plans to donate \$4,000.00 from the Village of Pawling for tree lighting. He suggested going forward looking at this to see how it could be done differently for next year, possibly downsizing to the band stand.

Supervisor Kelly said there is no money in the 2017 or 2018 town budget for this. The cost for tree lighting is between \$17,000.00 and \$18,000.00 and the Town can't afford to fund the rest of the money. He agreed with downsizing for this year and suggested the possibility of using the smaller tree verses the large tree.

Councilman Johnson suggested waiting until after public comment to make a decision.

FUNDING/2016 CDBG

Supervisor Kelly made a motion to allow the Town to borrow \$150,000.00 from the Hoffman Trust Fund for the initial financing of the 2016 Community Development Block Grant Program project and to refund it as the Town receives the grant monies from Dutchess County, seconded by Councilman Johnson, motion passed unanimously.

2018 BUDGET

Supervisor Kelly said the 2018 budget is down from the 2017 budget by 27.7 per thousand, which is a substantial decrease in the budget. It is a lean budget. He said he would like to sit down with Mr. Deitz to go over his comments on the budget. The budget provides a 2% increase for all employees and provides the same dollar amount for contractual expenses as 2017. He budgeted 6.8% for health insurance increases. There are no major increases in any budget lines, except the personnel and benefit lines. The tax rate last year was \$7.82 and it is now \$7.55, a substantial decrease. The Town's taxable value has increased substantially.

Councilman DeRosa said the Board has to set the fees for the transfer station, and he asked what the Board's feelings were about the attendants.

Councilman Johnson felt the sticker price should be increased to cover the attendants.

Councilman DeRosa said the Board would need to raise the sticker price \$40.00 or cut the coverage time or cut the service.

Supervisor Kelly said the full time attendant is supposed to be checking stickers.

Councilman DeRosa felt there needed to be someone at the gate. He suggested raising the sticker fee \$20.00 and close the transfer station one day.

Following discussion, it was agreed that the transfer station fee for 2018 would be discussed further at the next meeting, which would give the Board time to verify the numbers.

Supervisor Kelly made a motion to adopt the 2018 preliminary budget as the operational budget, seconded by Councilman Johnson.

Councilman Johnson complimented Supervisor Kelly's fiscal prowess and thanked him for his service.

Councilman Upham agreed.

Supervisor Kelly thanked everyone for their help in the budget process.

The motion passed unanimously.

WHALEY LAKE DAM

Councilman DeRosa said the Whaley Lake Dam project is underway. They have begun to install the cofferdams, around ten have been installed. He will work on getting photos to be posted on the website.

PUBLIC COMMENT

Mayor Robert Liffland said the Village Board is interested in helping with the transfer station and would perhaps be willing to do a shared service to possibly lower the costs.

Supervisor Kelly asked for tonnage and costs to be submitted for the Board's review.

Vinny DiMarco said he would like to help with tree lighting in any way he can.

Lori Johnson, Rotary Board member, said the Rotary Chocolate Festival is Saturday at Lakeside Park from 11 AM to 4 PM. The money goes to benefit the youth of Pawling. She suggested the possibility of Rotary contributing to the tree lighting. She would talk to the Board about it.

Harvey Matcovsky from Holmes, New York, congratulated all new Board members and wished them good luck. He said the School District has received the results of their audit and there will be a meeting discussing this on November 20th. He invited all Board members and citizens to attend.

Glenn Carey said he hoped the Town could help the Chamber in some way, even if it is minimal. He hoped that the people who called eyewitness news to come to Pawling and save the tree will find themselves writing checks to fund the tree lighting this year. He said there is fake news being disseminated and he wanted some clarification. He asked if the Town Board ever entertained a ten million dollar bond while Supervisor Kelly has been the Town Supervisor.

Supervisor Kelly said no, the only bond the Board has ever entertained was to refinance Lakeside Park, which was around that dollar amount.

Mr. Carey asked if Pawling Tax Cut prevented that from happening.

Supervisor Kelly said not at all.

Mr. Carey said Pawling Tax Cut, on a recent post on their Facebook page, took credit for that bond not happening because of their efforts. Mr. Carey asked to clarify again why Lakeside Park was closed last year, for the record.

Councilman Johnson said from the E.coli count from the geese. This year, we got rid of all of the geese and beavers were trapped and relocated. The park has never been cleaner.

Mr. Carey said he wanted that on the record again, he did not know how many more times we have to do it. Incorrect information continues to be disseminated, and followers virtually seem to be dropping off. Mr. Carey commended Supervisor Kelly for his time here as Supervisor. He thanked Supervisor Kelly for his service. The Town is lucky to have had Supervisor Kelly. There has been a lot of unfair criticism that has been directed at this Board for the last several years by Pawling Tax Cut. Frankly, it is unfair, unwarranted and embarrassing. This Board has worked extremely hard with a lot of scrutiny, which was unfair. They have really tried to control costs. When you are facing a 9% increase in health insurance, there is little control, that is a fixed expense, a benefit that is provided to employees, which you can't control. It's so easy to Monday morning quarterback and sit on the sidelines and criticize and not step up to the plate and try to make a difference. The criticism that has been extended toward the Supervisor and the Board is very sad and unfortunate. Time will show in the future that Supervisor Kelly's service on the Board and the tax increases that occurred while he was here will probably be some of the most exceptionally low increases in this Town's history. It is completely unrealistic to think that taxes are always going to go down. That is a fallacy and it is unrealistic. People need to face the fact that there are not municipalities around here where that is happening without an increase in the commercial tax base, which has been a help toward the budget increase this year. The school will benefit from that as well and we will continue to get the money back that we overpaid to the school in lower taxes. That is how that money has come back, it is because we were over taxed and it is coming back to us. It is really important and he felt the residents of the Town needed to understand that and their voting in this election for leadership to move forward is pretty clear. They think the Town is doing the right thing and he thanked Supervisor Kelly for his leadership.

DECEMBERFEST

Supervisor Kelly suggested looking at the possibility of keeping this as small as possible.

Councilman Johnson suggested if the Village was funding \$4,000.00, the Town fund \$4,000.00.

Supervisor Kelly suggested donating \$2,000.00 each.

Supervisor Kelly made a motion to transfer from fund balance \$2,000.00 payable to the Chamber for Decemberfest for this year, seconded by Councilman Johnson.

Supervisor Kelly introduced an amendment to authorize the Bookkeeper to issue a check immediately, seconded by Councilman Johnson, motion passed unanimously.

The motion passed unanimously.

The Board offered to volunteer their time to help with tree lighting.

The motion to adjourn was made by Supervisor Kelly at 8:15 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk