

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:00 PM February 14, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, Kelly and approximately 23 interested citizens.

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

Supervisor Schmitt opened the meeting for public comment on agenda items and there were none.

### **MINUTES**

Councilman Johnson made a motion to approve the minutes of January 3, 2018, seconded by Supervisor Schmitt and passed with the following roll call vote:

Councilman Johnson – “AYE”	Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE”	Councilman Kelly – “ABSTAINED”
Supervisor Schmitt – “AYE”	

Councilman Kelly made a motion to approve the minutes of January 10, 2018, seconded by Councilman Johnson and passed with the following roll call vote:

Councilman Johnson – “AYE”	Councilman DeRosa – “AYE”
Councilman McCarthy – “ABSTAINED”	Councilman Kelly – “AYE”
Supervisor Schmitt – “ABSTAINED”	

### **NON-CONSENT AGENDA**

#### **Resolution 2018042 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 20181017 through 20181160, now therefore, be it

Resolved, that the Pawling Town Board hereby accepts the vouchers as prepared and on the recommendation of the Bookkeeper hereby authorizes payment of said vouchers for the Town of Pawling on this date in the amount of \$368,255.47.

**MOTION:** Supervisor Schmitt

**SECOND:** Councilman Kelly

Councilman Johnson – “AYE”	Councilman DeRosa – “AYE”
Councilman McCarthy – “AYE”	Councilman Kelly – “AYE”
Supervisor Schmitt – “AYE”	

#### **Resolution 2018043 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 \$2,234.00 for the period of November 1, 2017 through January 31, 2018 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:** Councilman Kelly

**SECOND:** Councilman Johnson

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2018044**  
**Facility Use Requests - Waiver / Fees**

Whereas, the Town of Pawling operates facilities that from time to time will be used by the public for events other than the Town’s own usage, and

Whereas, the Director of Recreation will periodically receive requests to waive the fees, and

Whereas, the Town Board sets the fees for the use of facilities, now, therefore, be it

Resolved, that the following fee waiver(s) have been authorized by the Town Board:

Pawling Democratic Committee Sharon Haley	Lathrop Meeting Room	1 <sup>st</sup> Thurs. of each month 7:15-9:30pm
Pawling Democratic Committee Tom Rose	Lathrop Auditorium	2/23/18 5pm to 10pm
Pawling Little League Peter Martucci	Murrow Park Upper & Lower Fields	4/1 – 10/31/18 Mon – Fri 3pm to Dusk Sat & Sun 8am to Dusk
Pawling Little League Peter Martucci	Dodge Rd Fields	4/1 – 10/31/18 8am to Dusk
NYSDEC Sportsman Education Lester Wojnar	Murrow Park	3/10/18 7am to 5pm
NYSDEC Sportsman Education Lester Wojnar	Murrow Park	3/24/18 7am to 5pm

**MOTION:** Councilman Kelly

**SECOND:** Councilman Johnson

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2018045**  
**Amendment to Inter-Municipal Agreement / Sewer**

Whereas, the Town and the Village entered into an Agreement of Municipal Cooperation for construction, financing and operation of an inter-municipal sewer interceptor, treatment and disposal system dated February 16, 1983, and

Whereas, said Agreement was amended by an Addendum dated October 29, 1985 to clarify financial matters, and

Whereas, said Agreement was further amended on February 20, 1986 for the purpose of changing the annual meeting date, and

Whereas, said Agreement was further amended on January 11, 1994, which amendment voided a July 12, 1991 amendment, and which said January 11, 1994 amendment changed the annual meeting date and established a method for calling the regular monthly meetings, and

Whereas, said Agreement was further amended by an amendment dated July 28, 2014 that is recorded in the deed section of the Dutchess County Clerk's Office as Liber 19 page 1601, to eliminate and modify various provisions of the February 16, 1983 Agreement, for the purpose of placing the expansion and upgrade of the sewage treatment plant located at 37 Corbin Road in the Village of Pawling under the jurisdiction of the Pawling Joint Sewer Commission (the "Commission"), and

Whereas, said Agreement was further amended on December 14, 2017 (not recorded) to increase references to the maximum estimated cost of the expansion and upgrades ("Project No. 2") to be \$13,300,000.00, and

Whereas, the parties hereto wish to make a provision to modify the December 14, 2017 amendments to the July 28, 2014 Amendment as provided below, now therefore, be it

Resolved, in consideration of the premises and provisions hereinafter set forth, the parties hereto mutually agree as follows:

1. The following amendments to the July 28, 2014 Amendment shall be made as follows:
  - a. The third "Whereas" clause in the July 28, 2014 Amendment ("Amendment") shall be amended to refer to three bond resolutions, one dated January 29, 2014, one dated June 6, 2016 and one dated January 16, 2018 and the maximum estimated cost of the three combined bond resolutions shall be amended to \$15,900,000.00.
  - b. The fifth "Whereas" clause in the July 28, 2014 Amendment shall delete the \$6,500,000.00 figure in line 2 and substitute \$15,900,000.00 for same, and amend "resolution" to "resolutions" in that line.
  - c. The definition of "Original Agreement" in I.1.11 of the July 28, 2014 Amendment shall be amended to add a closing quotation mark for "Original Agreement" in the last line.
  - d. The definition of "Project Indebtedness" in the July 28, 2014 Amendment I.1.15 shall be amended by making "Bond Resolution" plural to refer to the three bond resolutions.
2. The balance of Paragraph "1" of the July 28, 2014 Amendment shall remain as originally written.
3. The December 14, 2017 Amendments shall be construed in a manner that permits full effect to be given to the amendments adopted herein.
4. In all other respects we reaffirm and restate the Agreement dated February 16, 1983, together with all Amendments thereto that are not superseded or repealed, including the July 28, 2014 Amendment.

**MOTION:** Councilman Kelly

**SECOND:** Councilman Johnson

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2018046  
Appointment – Pawling Joint Sewer Commission**

Whereas, the Town of Pawling must appoint a liaison to the Pawling Joint Sewer Commission, therefore, be it

Resolved, that Supervisor James Schmitt is hereby appointed as the liaison to the Pawling Joint Sewer Commission.

**MOTION:** Councilman Kelly

**SECOND:** Councilman Johnson

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

**HOLMES WHALEY LAKE CIVIC ASSOCIATION WELL**

Wendel Weber, Supervisor of Buildings & Grounds said the well at the HWLCA is not pumping water and it has been that way for a while. Now the building is being used more frequently so more water is needed. He spoke to well companies and they said they will need to drill deeper. The well is now at 200 feet and they probably have to go to 400 feet on the existing well, which will cost approximately \$4,000.00. The well companies said it could cost \$5,200.00 to \$5,900.00 to drill a new well but there really is no space to do that on the property so drilling the existing well is what will need to be done. This is above and beyond what he has in his budget.

Following discussion, Councilman Johnson made a motion to authorize Wendel Weber to deepen the well at the Holmes Whaley Lake Civic Association building at a budget not to exceed \$6,000.00, seconded by Councilman Kelly, motion passed unanimously.

**HOLMES MILL DAM & GREEN MOUNTAIN LAKE DAM**

Wendel Weber, Supervisor of Buildings & Grounds said there are two dams the Town owns that are required to have Emergency Access Plans (EAP) per NYS DEC. The Holmes Mill Dam has never had an EAP and there is a draft for the Green Mountain Lake Dam EAP from 2013, which he felt the Town could update at no cost. There is \$10,000.00 in the budget for this year to do the EAP for one of the dams. Since the Holmes Mill Dam has never had an EAP, he suggested this one be done this year. He has gotten a couple of quotes, one was \$12,500.00 and the other was \$9,700.00 from Morris Associates. Mr. Weber said he had to give NYS DEC a timeline as to when these things will be taken care of so he will need approval for the EAP for the Holmes Mill Dam. He would then begin work on the EAP for the Green Mountain Lake Dam and there would be movement on these projects to report to NYS DEC.

Following further discussion, Councilman Kelly made a motion to engage Morris Associations for the EAP for the Holmes Mill Dam, seconded by Councilman Johnson.

Councilman Johnson said not to exceed \$9,700.00.

Motion passed unanimously.

## **SET PUBLIC HEARING FOR LOCAL LAW TO CHANGE GRIEVANCE DAY FOR ASSESSMENTS**

Supervisor Schmitt made a motion to set a public hearing for a Local Law to change Grievance Day for assessments for Wednesday, March 7, 2018, seconded by Councilman Johnson.

Councilman Johnson said the previously scheduled public hearing on February 7, 2018 had to be cancelled due to inclement weather.

The motion passed unanimously.

## **SET PUBLIC HEARING FOR COMCAST CABLE FRANCHISE AGREEMENT**

Supervisor Schmitt made a motion to set a public hearing for the Comcast Cable Franchise Agreement for Wednesday, April 4, 2018, seconded by Councilman Kelly, motion passed unanimously.

## **CONGRESSMAN FASO MOBLIE OFFICE AT TOWN HALL**

Supervisor Schmitt made a motion to allow Congressman Faso to have a mobile office in Town Hall on March 21, 2018 from 11:00 AM to 1:00 PM, seconded by Councilman Kelly, motion passed unanimously.

## **TRANSFER STATION SCHEDULE**

Supervisor Schmitt made a motion for the transfer station days after the holidays, seconded by Councilman Kelly.

Councilman Johnson asked if Councilman DeRosa was looking to close the day after a holiday if you are closed on the holiday.

Councilman DeRosa said he met with Jay Dickinson, Highway Superintendent and he had some concerns about that because of the cost factor. If a holiday falls on a Monday and the transfer station is open on Tuesday instead, if the attendant is hired to open on Tuesday, he gets an entire day of over time. If a highway employee works on the day after a holiday, they get paid two hours overtime and in the summertime, it is a problem because the Highway Department would be short one employee. The train of thought was to close the transfer station the day after a holiday. The transfer station is open three other days during the week.

Councilman Johnson said there would be added savings with this plan. If this becomes a problem, it can be changed.

Supervisor Schmitt rescinded his motion.

Councilman DeRosa made a motion saying that if a holiday falls on a day where the transfer station is open, we don't open it the next day, the transfer station would be closed for the holiday, seconded by Councilman Kelly, motion passed unanimously.

## **NYS DEC REQUEST TO USE MURROW PARK FOR RABBIT STUDY**

Supervisor Schmitt made a motion to allow NYS DEC to use Murrow Park for a rabbit study, seconded by Councilman Kelly, motion passed unanimously.

## **WHALEY LAKE DAM PROGRESS REPORT**

Councilman Kelly said he wanted to give the Board an update on the Whaley Lake Dam project. He said Winn Construction has been able to work through the winter. Winn Construction has been working on the eastern side of the spillway and they exposed rock. He and Vinny DiMarco met with the engineers and involved individuals on the site and the engineers would like to have the rock on the eastern side drilled and cored in order to find out what the integrity of the rock is

in that area. They would also like to do some soil testing along the dam as well. Once they do the core samples, they will know if redesign of the wing walls will be necessary.

Vinny DiMarco, Whaley Lake Dam Owner's representative, said Councilman Kelly basically covered what is happening. He said progress is being made so the winter shut down is not in total. There will be a meeting on Monday to discuss the progress. He was at the dam yesterday and everything is okay. The access road is very icy so people should be careful on site. He said there is a change order that requires Town Board approval. The change order is necessary because ledge was exposed and was not part of the original drawings. There was no way to explore that portion of that property before because the Town did not own it, all of this is to be expected.

Following further discussion, Councilman Kelly made a motion to authorize the Supervisor to sign Change Order Number One for the Whaley Lake Dam in the amount of \$16,032.75 for the boring at the spillway construction site, seconded by Councilman Johnson, motion passed unanimously.

### **PROPOSED ZONING CHANGE FOR SPECIAL EVENTS**

Councilman DeRosa handed out a proposed zoning change for special events to the Board. He said this is something the Implementation Committee has been working on for quite some time, with a lot of help from JoAnne Daley, Planning Board Secretary and Carl Ellis, Building Inspector. He has also distributed this to the Planning Board and Town Attorney for recommendations. He asked that the Town Board review it and they can discuss it at the next meeting and possibly schedule a public hearing.

### **PUBLIC COMMENT**

Helen Grosso asked if the franchise agreement could be put on the Town's website, she asked for information regarding the increase in the sewer project from 13 million to 15.9 million, and suggested having the County Legislator report to the Town Board periodically.

Supervisor Schmitt said he would check into putting the franchise agreement on the website and regarding the sewer increase, he would check into getting a breakdown of the fees.

Robert Reimer said he has lived in the Town for about ten years. He expressed concern about how things are done. He expressed concern about Mr. Kelly being voted in by the Board as a Board member, concern about the luxurious benefits, pensions and life time health benefits received by Board members. As a taxpayer, he would like to see these things changed.

### **EXECUTIVE SESSION**

The motion to enter into Executive Session was made by Supervisor Schmitt at 7:50 PM to discuss a personnel issue, seconded by Councilman Johnson, motion passed unanimously.

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

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

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Town Clerk