

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:05 PM March 14, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, Kelly and approximately 20 interested citizens.

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

Supervisor Schmitt made a motion setting a public hearing for a Local Law changing Grievance Day for Assessments for April 4, 2018, seconded by Councilman Johnson, motion passed unanimously.

PUBLIC COMMENT ON AGENDA ITEMS

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

MINUTES

Supervisor Schmitt made a motion to approve the minutes of February 14, 2018, seconded by Councilman Johnson and passed with the following roll call vote:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

NON-CONSENT AGENDA

**Resolution 2018047
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 20181161 through 20181303, 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 \$2,002,348.20.

MOTION: Supervisor Schmitt

SECOND: Councilman Johnson

Councilman Johnson introduced an amendment to add one more voucher so the final voucher number would be 20181304 and the total amount would go to \$2,006,151.32, seconded by Councilman Kelly, motion carried unanimously.

ROLL CALL VOTE ON THE RESOLUTION:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2018048
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:

Central Baptist Church	Lakeside Park	Sunday, 4/1/18
Mark Bouffard	Hill overlooking lake	5:30am – 7:30am
Hasler-Kemp	Lathrop	Monday, 5/28/18
Jerry Christiansen	Auditorium	11am – 2:30pm

MOTION: Councilman Kelly
SECOND: Councilman Johnson

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

Resolution 2018049
Promotion of Daniel Miller to Working Supervisor

Whereas, the position of Working Foreman will be changed to Working Supervisor per Dutchess County Human Resources, and

Whereas, the duties and responsibilities of this position will remain unchanged, and

Whereas, this position was vacated on January 1, 2018 by Jay Dickinson upon being elected Highway Superintendent, and

Whereas, Mr. Dickinson would like to promote Daniel Miller to said position, therefore, be it

Resolved, that the Town Board hereby approves Daniel Miller’s appointment to Working Supervisor within the Highway Department at the current budgeted rate of pay for the position effective February 24, 2018.

MOTION: Councilman Kelly
SECOND: Councilman DeRosa

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

Resolution 2018050
Settlement of the Tax Certiorari Proceeding Regarding DP59 LLC

Whereas, there is now pending in the Dutchess County Supreme Court a tax certiorari proceeding commenced in 2017 by DP 59 LLC regarding the property located at 15 Kirby Hill Rd, grid number 7156-00-653891-0000, seeking a reduction in 2017 tax assessment for the 2017/2018 tax roll, and

Whereas, the assessor and Special Counsel have recommended a discontinuance of this tax review proceeding, now, therefore, be it

Resolved, by the Town Board of the Town of Pawling, Dutchess County, New York, hereby approved the discontinuance of the proceeding on behalf of the Town of Pawling of the Tax Review Proceeding of the year 2017 as it pertains to Grid no: 7156-00-653891-0000

Year	Original Total Assessment	Reduction in Assessment	Final Assessment
2017/2018	\$2,250,000.00	0	\$2,250,000.00

And be it further resolved that the Town Supervisor, Town Assessor and Scott L. Volkman, Esq., Special Counsel to the Town of Pawling, are hereby authorized to take any and all certain necessary and appropriate to effectuate the terms of this Resolution.

MOTION: Councilman Johnson

SECOND: Councilman Kelly

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

Resolution 2018051
Service Contract with John W. Neubauer –AVP Business Products

Whereas, the Town of Pawling has historically retained John W. Neubauer – AVP Business Products to service the town-owned copy machine in Town Hall, and

Whereas, the Town of Pawling must renew the service contract with John W. Neubauer – AVP Business Products for the town-owned copy machine in Town Hall, therefore, be it

Resolved, that the Town Board hereby approves a 12 month service contract with John W. Neubauer – AVP Business Products to service the town-owned copy machine in Town Hall retroactive from January 6, 2018 through December 31, 2018.

MOTION: Councilman Kelly

SECOND: Councilman Johnson

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

NEW MOWER/WENDEL WEBER PRESENTATION

Wendel Weber, Supervisor of Buildings & Grounds said he needs to purchase a new mower for Lakeside Park and the golf course. He will use money from both budgets to pay for the mower.

Councilman Johnson made a motion to authorize Wendel Weber to purchase the equipment as noted off of State bid in the amount of \$14,766.00 paying for it out of budgeted funds, seconded by Councilman DeRosa, motion passed unanimously.

ELECTRIC UPGRADE FOR TOWN HALL/WENDEL WEBER PRESENTATION

Wendel Weber, Supervisor of Buildings & Grounds said he has been trying for a number of years to upgrade the electric in the Town Hall building from 200 amp service to 400 amp service. The electricity in the building is over capacity and there are a number of issues. He has two quotes and will get a third quote. He will contact NYSEG to see what is required for this upgrade.

Councilman Kelly made a motion to authorize Wendel Weber in the Buildings & Grounds Department to expend a number not to exceed \$9,550.00 for an electrical service upgrade at Town Hall, seconded by Councilman Johnson, motion passed unanimously.

Mr. Weber said this would take approximately 25% of his budget. He may need approval from the Board during the year to spend other monies.

PAWLING WATER DISTRICT #1

Councilman Johnson said regarding PWD #1, he has been speaking with Dan Peters, Village Trustee and working towards turning the district over to the Village so it can be operated as one system. New meters were put into the district a few years ago and we now need to add back flow valves. This was bid and only one bid was received, which was way out of line. He proposed to have the Town purchase the back flow valves and have them installed at a per meter price. He would bid this work out to get the best price.

Councilman Johnson made a motion to authorize Councilman Johnson to put out to bid the installation of the back flow valves in Pawling Water District #1, seconded by Councilman Kelly, motion passed unanimously.

PAWLING WATER DISTRICT #2

Councilman Johnson said regarding PWD #2, after the extensive storms this month and power outages, even though there is a generator in PWD #2, once the big storage tanks run out of water, the generator doesn't power the well. He suggested buying a standby generator in order for the generator to power the pump if the power is out.

Councilman Johnson made a motion to authorize Councilman Johnson to put out to bid powering well #4 either with a new generator or the existing generator, seconded by Councilman Kelly, motion passed unanimously.

WHALEY LAKE DAM REPORT

Councilman Kelly said he wanted to give a quick update on the Whaley Lake Dam. Vinny DiMarco has been on site every day since the last meeting. Winn Construction has been working based on weather conditions. The original borings were done and under budget. There are a couple of areas, one in the arch spillway area, where the engineers want to test the subsurface soils. They did slug testing on the soils, which is similar to a perk test. Samples were taken and he is awaiting results of testing from last Friday. All of the testing was completed within the budget approved by the Board last month. Depending on the results of the testing, there may have to be some design changes. If the testing comes back with appropriate numbers, there will be no change. Design changes would need to be approved by NYS DEC. If changes are needed, he requested the Board conduct a special meeting to discuss how to move forward. He should be hearing the results of the testing by Friday.

Vinny DiMarco agreed with Councilman Kelly's summary of the work that is going on at the dam.

Councilman DeRosa expressed concern about delays due to possible changes and the contractor removing the large equipment.

Councilman Kelly said there is other work that needs to be done. All of these issues will need to be discussed with the engineers and contractors, depending on the results of the testing. NYS DEC is aware of the situation with the dam and the work that is going on and said they will do what needs to be done as quickly as possible.

PUBLIC COMMENT

Chief Constable Mike Kelly said he has been at the transfer station and Joe Burden, constable has been up at the Transfer Station as well and everything seems to be in order. On March 21st, there will be a security evaluation for the town hall building for the courts, inside and out to see what is safe and what needs to be updated. He noticed that there were some outside lights that were out and they need to be repaired. Chief Constable Kelly said they will be doing their requalification in May. There will be nine people requalifying. The magnetometer will be recalibrated, which is something that is required. He will be submitting a written report each month to the Board.

Vinny DiMarco said regarding the electrical upgrade for town hall, his recommendation is to meet with NYSEG and go over the plan to see how best to do the upgrade. He volunteered to help with this project as well as to help Councilman Johnson with an evaluation of the generator at Pawling Water District #2.

Harvey Matcovsky said it has been nice to see Supervisor Schmitt at three School Board meetings. He hoped for transparency in the Town's budget process. He suggested asking Congressman Faso for money for the Whaley Lake Dam as he is up for reelection.

Councilman Kelly said he has been in contact with Congressman Faso and has spoken to him at length. An extension has been passed on the budget and the Congressman is working on the three million dollars had noted for this project. Between the Gateway Grant for one million dollars and the three million from government funding, the Town will have roughly four million dollars on a 4.7 million dollar project. He has contacted representative Gillibrand and Schumer on this project. Councilman Kelly said he would continue to pound the pavement as he has on behalf of this Board since 1997.

Helen Grosso said she has seen the Comcast franchise agreement and is worried we are missing an opportunity with the renewal of the franchise agreement. She felt having access to technology and making sure everyone has what they need, schools and businesses, is critical. She talked about the Federal Cable Act and she expressed concern that just noticing a public hearing wasn't enough to get people out. She asked that a public access channel be considered. She felt robust discussion should happen on this agreement before anything happens with it. The Federal Cable Act also talks about assessing how the cable company has done with their service and that should be assessed. She said the document for renewal is supposed to be put together after a public forum. We already have a document for renewal, what is the purpose of the public forum if we can't challenge them to think in new ways. There is no internet access at Lakeside Park and she wondered if that could be added into the agreement. She felt more be demanded and she felt an opportunity was being missed.

Councilman Kelly said in 2010 when he became Supervisor, the franchise agreement had expired. He started conversations with Comcast at that time. He had attended classes for cable franchises with the Association of Towns and learned what was available to towns and he began negotiations with Comcast. He had the agreement changed so that emergency services can cut a cable line during a storm, which wasn't allowed in the previous agreement. He found in negotiating the contract that the Town wasn't receiving the revenues for late fees, which is 3% and the Town now receives that. He tried to get money from Comcast for phone and internet, in addition to picture but the law is antiquated and does not allow for this. The line is being installed and hooked up at Lakeside Park and the Highway Department, which were negotiated into the agreement. There are multiple things that have changed for the better in the agreement.

Charlie Davenport from Wappingers Falls said Governor Cuomo and Attorney General Schneiderman are suing the EPA to protect New Yorkers from air pollution coming from other

states. Governor Cuomo said exposure to smog is also linked to premature death to some groups such as children, the elderly, etc. In Dover Plains, the Cricket Valley Energy Plant is under construction at 2241 Route 22. The DEC has said the project will be a major source of NOX and VOC. These chemicals contribute to the formation of smog and smog is a stated reason of Cuomo and Schneiderman's lawsuit. The Dover High School/Middle School complex is three quarters of a mile away from the Cricket Valley Plant and the Wingdale Elementary School is two miles away from the plant. That is eleven hundred vulnerable children within two miles of the plant. The NYS DEC and the Town of Dover approved the project in 2012, and will receive revenues from the project. The Pawling High School/Middle School is eight miles due south of the Cricket Valley plant and they will receive no revenues. He thanked the Supervisor for the opportunity to speak and for the invitation to return to make a presentation.

Councilman Kelly made a motion at 7:55 PM to close the meeting of the Pawling Town Board in memory of William "Bill" Blessey, seconded by Councilman DeRosa.

Councilman Kelly said Bill served as a member of the Zoning Board of Appeals from 1993 to 2015. Bill was appointed Vice Chairman in 1998 & 1999 and Chairman from January 1, 2000 to December 31, 2015. He had the pleasure of knowing Bill for the past 50 years. He was proud of his service to the community that he and Sue called home. The last 6 years of Bill's Chairmanship, he was able to offer his name as Chairman to this Board for confirmation at the annual Organizational Meeting. Every year before the meeting, he and I would talk about him continuing on as Chair, he always said, "Just one more year, we need to teach someone else the leadership position". I know he enjoyed his fellow Board members and the Town Employees that helped him and his board with all the background information. He valued their work. Bill had a hard job at times, but he was one to get down in the trenches to make sure that the process was followed through completely and correctly for each and every applicant. Our hearts and prayers go out to Bill's wife Sue, who continues to call Holmes their home.

Councilman DeRosa said he worked with Bill for years and he was an excellent example of what a Chair of a Board should consist of. Bill did it for many years and he set a good example for new people coming to serve on Boards.

Councilman Johnson said Bill was a wonderful neighbor and always willing to lend a helping hand and he will truly be missed.

The motion passed unanimously.

Town Clerk