

Supervisor James Schmitt opened the Regular meeting of the Town Board of the Town of Pawling at 7:00 PM May 9, 2018 at Pawling Town Hall, 160 Charles Colman Blvd., Pawling, New York. Present were Councilmen Johnson, McCarthy, DeRosa, Kelly and approximately 16 interested citizens.

EXECUTIVE SESSION

The motion to enter into Executive Session was made by Councilman Kelly at 7:01 PM to discuss litigation, seconded by Councilman Johnson, motion passed unanimously.

The motion to return to the regular order of business was made by Councilman Kelly at 7:20 PM, 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

Councilman Kelly made a motion to table approval of the minutes, seconded by Councilman Johnson, motion passed unanimously.

PRESENTATION/ROBERT NEMETH/SUSTAINABILITY PARTNERS

Mr. Robert Nemeth of Sustainability Partners gave an overview of the company and what they do, which is in essence take over the essential services of the infrastructure of municipalities, utilities, schools and hospitals. He explained how the company runs and how it makes money. The project for the Town of Pawling would be installing LED lighting at Town Hall, the Lathrop building at Lakeside Park, the ballfields, four additional acorn lights in the Town Hall parking lot and the highway department. The Town can build and add to the plan as time goes on. He explained that while utility bills would go down, the bill to his company would go up and it may or may not equate and can be more in some cases. The cost would be approximately \$1742.00 per month. They can do these projects cheaper because they buy nationally. They can bring existing code violations up to speed.

Following a question and answer period, the Board thanked Mr. Nemeth for his presentation and said they would like to further review and discuss this proposal.

PRESENTATION OF ANNUAL MS4 REPORT

The Board entertained a presentation by JoAnne Daley, MS4 Coordinator, of the MS4 Annual Report. Ms. Daley explained that she had distributed copies of the Annual MS4 report to the Board and it is ready to go to NYS DEC. She gave an overview of the program and she explained that all departments have to fill out paperwork throughout the year and submit it to her. In the end, she has to put all of the paperwork together and create the annual report. She explained the billboard campaign, which is going on now and part of the outreach requirements. She explained a new program, which is a tree assessment for municipalities. She spoke with Wendel Weber, Supervisor of Buildings & Grounds and he felt it was a good idea to have the assessment done for the Town at parts of Lakeside Park. It could be beneficial in applying for grants. The Town is on target with the MS4 program and has met all of the requirements for this year. The Board agreed that they would like Ms. Daley to move the grant process forward. Ms. Daley said she is working with Dutchess County Soil & Water and the Village to do a cleanup event with the Girl Scouts at the end of June. All residents are welcome to volunteer.

Councilman Johnson said there is a cleanup at Town parks scheduled in June, partnering with Christ Church and he suggested these cleanups could be coordinated and done together.

Councilman DeRosa and Councilman Kelly thanked Ms. Daley for all of the work she does throughout the year on MS4. She works all year long to make sure she has all of the information to generate the annual report when it is time.

Ms. Daley thanked all of the departments for working with her and for their cooperation throughout the year.

CONSENT AGENDA

**Resolution 2018059
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 20181462 through 20181616, 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 \$520,600.87.

**Resolution 2018060
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 \$2,228.40 for the period of February 1, 2018 through April 30, 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.

**Resolution 2018061
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 Fish & Game Don Carr Larry Cyganovich	Murrow Park Lake	Saturday, May 19 6am to 2pm
Pawling Elementary Sally McGrath	Lakeside Park Pavilion	Friday, May 25 9am to 2pm
Town of Kent PBA Jerry LaCassio	Lakeside Park Pavilion	Saturday, May 19 2pm-7pm

*They are requesting to pay the **RESIDENT FEE**. Several members are Pawling residents*

MOTION: Councilman Kelly
SECOND: Councilman Johnson

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

NON CONSENT AGENDA

**Resolution 2018062
Highway Secretary Appointment**

Whereas, a Part Time Secretary vacancy exists in the Highway Department, and

Whereas, Deborah Schiavo is a current Part Time Clerk for the Bookkeeping Department, and

Whereas, the Highway Superintendent would like to fill that position with Deborah Schiavo, therefore, be it

Resolved, that the Town Board approves Deborah Schiavo to be a Part Time Secretary in the Highway Department.

MOTION: Councilman Johnson

SECOND: Councilman Kelly

Councilman DeRosa asked what the hours would be for this position.

Councilman Kelly said it was his understanding that the Highway Superintendent asked for the hours to go to 20 hours per week and he would find the money within his budget.

Councilman Kelly introduced an amendment to allows this position to move to 20 hours per week with a starting date of May 14th and that the monies will be captured within the existing “A” line of the Highway budget, seconded by Councilman Johnson.

Councilman DeRosa asked what the previous number of hours was.

Councilman Kelly said 12 hours per week.

The motion on the amendment passed unanimously.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

**Resolution 2018063
Adoption of Comcast Cable Franchise Agreement**

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: Councilman Kelly
SECOND: Councilman Johnson

Councilman Johnson said it was his understanding there might be some more research the Supervisor might want to do. He asked if this should be tabled for one more month.

Supervisor Schmitt felt this had been looked at a lot and the Board went through it all. He asked if the Board had any concerns.

Councilman Kelly said he worked hard on this for many years, every franchise agreement is different and every municipality's needs are different. He wholeheartedly supported the agreement.

ROLL CALL VOTE:

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

Resolution 2018064
Full Time Laborer Appointment

Whereas, the Supervisor of Buildings & Grounds has requested that a full time position be added to the department in order to focus on the parks, and

Whereas, the Supervisor of Buildings & Grounds has determined that there is complete funding available in the department's budget for this position, and

Whereas, Kevin Reynolds is a current Part Time Laborer for the Buildings & Grounds Department, and

Whereas, the Supervisor of Buildings & Grounds would like to fill this position with Kevin Reynolds, therefore, be it

Resolved, that the Town Board approves Kevin Reynolds to be a full time Laborer in the Buildings & Grounds Department to be focused on the parks.

MOTION: Councilman Johnson
SECOND: Councilman Kelly

Councilman DeRosa said one of the concerns residents have is that the bathrooms aren't being kept up as they should be. He asked what the job duties of this person would be. He suggested the possibility of a better schedule of the bathroom cleaning and to have it checked. They must be kept clean.

Supervisor Schmitt agreed.

Councilman Johnson said the resolution is written for this individual's work to be focused on the parks.

ROLL CALL VOTE:

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

**Resolution 2018065 Introduction to Proposed Event Ordinance Section 215-44 C.
Titled “Temporary Permits for Commercial Special Events,
and Public Entertainment or Non-commercial Special Events.”**

Whereas, the Town of Pawling in its Town Code presently has no provision for accepting applications or issuing permits for, and regulating (in the best interest of the health, safety, and welfare of the residents of the Town of Pawling) the holding of, Special Events, be they commercial, non-commercial, or for public entertainment, and

Whereas, other Towns in the state of New York, to protect the health, safety and welfare of their respective residents, have adopted ordinances governing the regulation of the holding of the foregoing types of Special Events, and

Whereas, the Town of Pawling Planning Board, after due review and consideration, has in writing recommended that the Town of Pawling Town Board consider for adoption the proposed Ordinance that is hereinafter more fully described and the subject of this Resolution, now therefore, be it

Resolved, that there is hereby Introduced, pursuant to Article 9 of New York State Town Law, an Ordinance titled “Temporary Permits for Commercial Special Events, and Public Entertainment or Non-commercial Special Events,” proposed to be added to the Town Code as Section 215-44 C., a full and complete copy of which is attached hereto, and incorporated in its entirety within this Resolution, now therefore, be it further

Resolved, that said Ordinance titled “Temporary Permits for Commercial Special Events, and Public Entertainment or Non-commercial Special Events” be considered for adoption and addition to the Town Code as Section 215-44 C. at a subsequently held meeting of the Town of Pawling Town Board following the holding of a Public Hearing duly noticed pursuant to both Article 9 of New York State Town Law and Section 215-53 B. of the Town of Pawling Town Code.

MOTION: Councilman Johnson

SECOND: Councilman Kelly

Councilman Johnson said he commended the Town Attorney for identifying perhaps a hole in the Town’s Code.

Councilman Johnson made a motion to rescind this resolution and made a resolution to forward this ordinance to the Town’s Engineer/Reviewer Liz Axelson to report back to this Board, at which time the Board would have a special meeting and schedule public hearings, seconded by Councilman Kelly.

Councilman DeRosa said he wasn’t sure that when the Board received a reply back from Ms. Axelson if they would move right into public hearings. He felt the motion should be amended to allow Ms. Axelson to begin the investigation and study process of moving this forward.

Councilman Johnson said the process is up to the Town Board. If Ms. Axelson reports back to the Board and they feel they want to set public hearings, they can certainly do that. If they feel more discussion is necessary, public hearings would not be scheduled. He left his motion as is.

Councilman Kelly said it is all part of the process.

ROLL CALL VOTE:

Councilman Johnson – “AYE”

Councilman DeRosa – “AYE”

Councilman McCarthy – “AYE”

Councilman Kelly – “AYE”

Supervisor Schmitt – “AYE”

HOMELAND TOWERS FEE REDUCTION

Following discussion, Councilman Kelly made a motion denying a fee waiver and saying the fee should be one half of the building permit fee, seconded by Councilman Johnson, motion passed unanimously.

NEW CHIPPER

Councilman Kelly made a motion to authorize the Highway Superintendent to expend \$48,639.60 on the purchase of the Intimidator 15XP out of fund balance, seconded by Councilman Johnson, motion passed unanimously.

WHALEY LAKE DAM CHANGE ORDERS

Councilman Kelly said there are some change orders that will need to be addressed by the Board for the Whaley Lake Dam project. He just received an email from Kevin Flood at 5:08 this evening with the change orders. He suggested the Board have a special meeting within the next week to address these change orders. He would distribute the change orders to the Board for their review.

The Board agreed.

PUBLIC COMMENT

Vinny DiMarco thanked Robert Nemeth and JoAnne Daley for doing an excellent job on their presentations. Mr. DiMarco asked if it would be okay if he spoke with Mr. Nemeth about the LED lighting.

The Board felt Mr. DiMarco could speak with Mr. Nemeth after the meeting or he could ask questions through Wendel Weber, Supervisor of Buildings & Grounds.

Mr. DiMarco said progress is being made at the Whaley Lake Dam and he gave the Board an update on the project.

Kate Crusco said regarding Resolution 65, Councilman Johnson said the Town Attorney had identified a hole in the Town Code.

Councilman Johnson said the Town does not have a Code for large assemblies. The decision tonight was to send the proposed ordinance to the Town's consultant to review, weigh in and discuss it with the Board. Once the Board feels it has something ready, they will then have a public meeting on the ordinance.

Sarka Leff asked when someone could address their assessment, not with the Grievance Board but in general. She tried to set an appointment with Mr. Boryk and she was told that he doesn't make any appointments. She sent an email and called but no one got back to her.

Councilman Johnson said he would take her information and have someone get back to her.

The motion to adjourn was made by Councilman Kelly at 8:25 PM, seconded by Councilman Johnson, motion passed unanimously.

Town Clerk